



## **BULKY DOCUMENTS**

(Exceeds 300 pages)

**Proceeding/Serial No: 91177156**

**Filed: 07-16-2008**


**Title: Notice of Filing Testimony Deposition of  
Scott Beck; with Exhibits 1-18 (Box 1)**

**Part 1 of 10**



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>H-D MICHIGAN, INC.,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>BRYAN BROEHM,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.: 91177156</p> <div style="text-align: center;"></div> <p>Mark: Serial No.: 78896325 Filed: May 30, 2006</p>
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**OPPOSER'S NOTICE OF FILING TESTIMONY OF SCOTT BECK AND EXHIBITS**

Pursuant to Trademark Rules 2.123(h) and 2.125(a) and TBMP § 703.01, Opposer H-D Michigan, Inc. ("H-D Michigan") files the testimony of Scott Beck and accompanying Exhibits. Please note that Exhibits 7-9, 11-13, 40-41, and 59-61 have been marked as TRADE SECRET/COMMERCIALY SENSITIVE, and are therefore filed under seal in accordance with the Board's Standardized Protective Agreement. In addition, the portions of the testimony set forth below are TRADE SECRET/COMMERCIALY SENSITIVE and are also being filed under seal in accordance with the Board's Standardized Protective Agreement.

**TRADE SECRET/COMMERCIALY  
SENSITIVE Deposition Testimony:**

Page:Line 91:20—92:1  
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TRADE SECRET/COMMERCIALLY  
SENSITIVE Deposition Testimony:

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A redacted copy of the testimony transcript of Mr. Beck and accompanying exhibits, including the signature page and errata sheet, have been previously served on Applicant.

Respectfully submitted,

Date: July 16, 2008

By: 

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSER'S NOTICE OF FILING TESTIMONY OF SCOTT BECK AND EXHIBITS was served WITHOUT ATTACHMENTS by first class mail, postage prepaid, on this 16<sup>th</sup> day of July 2008, upon Bryan Broehm at the following address:

Bryan Broehm  
331 Gazetta Way  
West Palm Beach, FL 33413-1053



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# Transcript of the Testimony of **Scott Beck**

**Date:** June 13, 2008

**Volume:** 1

**Case:** H-D Michigan, Inc. v. Bryan Broehm

Printed On: 6/27/2008



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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
3

4 H-D MICHIGAN, INC.,

5 Opposer, Opposition No.: 91177156

6 v Serial No.: 78896325

7 BRYAN BROEHM, Filed: May 30, 2006

8 Applicant.

9 \_\_\_\_\_/

10

11

12 D E P O S I T I O N

13

14 DEPONENT: SCOTT BECK

15 DATE: Friday, June 13, 2008

16 TIME: 8:56 a.m.

17 LOCATION: H-D Michigan, Inc.

18 315 West Huron

19 Suite 400

20 Ann Arbor, Michigan

21 REPORTER: Michele E. French, CSR-3091, RMR, CRR

22

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1 Ann Arbor, Michigan  
2 Friday, June 13, 2008  
3 8:56 a.m.

4 \* \* \* \* \*

5 SCOTT BECK,  
6 was thereupon called as a witness herein, and after  
7 having first been duly sworn to testify to the  
8 truth, the whole truth and nothing but the truth,  
9 was examined and testified as follows:

10 MS. McLEOD: As preliminary matters, we're  
11 going to designate the entire transcript as trade  
12 secret, commercially sensitive, and we will  
13 redesignate before filing it with the Board.

14 I'm also going to give as Exhibit 1 the  
15 Notice of Deposition. The notice was served on  
16 Applicant on May 16th, 2008, and he indicated to us  
17 that he will not appear.

18 (Beck Exhibit 1 was marked.)

19 EXAMINATION

20 BY MS. McLEOD:

21 Q State your name, please.

22 A Scott Beck.

1 Q Who is your current employer?

2 A Harley-Davidson Motor Company.

3 Q What year did you join that company?

4 A 1999.

5 Q What is your current job title?

6 A Director of Advertising and Sales  
7 Promotions.

8 Q How long have you held that position?

9 A One -- a little over one year.

10 Q What are your job responsibilities?

11 A I oversee all advertising and sales  
12 promotions for motorcycles in the U.S. I'm in  
13 charge of brand execution U.S. and worldwide.  
14 Advertising includes virtually anything, paid-for  
15 media, to the end consumer.

16 Q And that advertising includes branded  
17 material for the Harley-Davidson trademark?

18 A Branded material for Harley-Davidson, the  
19 overall brand, motorcycles. I also advise, direct  
20 and have input and approval over MotorClothes, Parts  
21 & Accessories, Rider Services, Rider's Edge areas as  
22 well.

1 Q And do you also oversee marketing and  
2 advertising for the bar and shield logo branded  
3 products?

4 A On everything we do.

5 Q Prior to becoming the Director of  
6 Marketing and Promotions, what positions did you  
7 hold?

8 A I was Director of platform -- I was  
9 Marketing Platform Director for the Softail Division  
10 for about two and a half years prior to Advertising  
11 and Sales Promotion. Prior to that I was  
12 advertising manager for the MotorClothes Division.  
13 I was advertising manager for the Buell Motorcycles  
14 Division. And prior to that I worked at Carmichael  
15 Lynch, who was Harley-Davidson's advertising agency,  
16 for 13 years, and they were my -- Harley-Davidson  
17 was my client for most of that time, 10 of the 13  
18 years.

19 Q So what period were you advertising  
20 manager for MotorClothes, did I hear that?

21 A Yeah. 2000-2002.

22 Q What were your responsibilities in that

1 position?

2 A I oversaw production of all advertising,  
3 direct marketing materials, catalog development,  
4 customer relationship; directed the customer  
5 relationship activities, which included electronic  
6 outbound e-mails to the customers, direct marketing  
7 of MotorClothes to the customers and prospects.

8 Q What do you mean by MotorClothes?

9 A MotorClothes is a division of  
10 Harley-Davidson that handles all apparel,  
11 accessories, riding gear, helmets, boots, jackets,  
12 gloves, T-shirts, fashion leathers, gifts,  
13 collectibles, which are, you know, watches, jewelry,  
14 that sort of material.

15 Q When did you join Carmichael Lynch?

16 A 1986.

17 Q How long were you employed there?

18 A For 13 years.

19 Q 'Til 1999?

20 A Correct.

21 Q What were your responsibilities at  
22 Carmichael Lynch?

1           A     I was the account manager on the  
2     Harley-Davidson business from 1986 to 1996. In that  
3     capacity I oversaw the production of all  
4     Harley-Davidson branded advertising for motorcycles,  
5     MotorClothes, parts and accessories, Harley Owners  
6     Group, police sales, military sales.

7           Q     What is the Harley Owners Group?

8           A     Harley Owners Group is -- some refer to it  
9     as an affinity group of owners. It's exactly what  
10    it says. It's -- as a Harley owner, you are given a  
11    free membership to join this affinity club that  
12    provides benefits to you as an owner of a  
13    Harley-Davidson, and it consists of first time  
14    Harley owners, people who renew to get those  
15    benefits annually, and lifetime members who have  
16    renewed for the lifetime of the vehicle -- or  
17    lifetime membership into the club.

18                The club gives benefits like roadside  
19    assistance. They do a magazine, Lifestyle magazine.  
20    Every dealership in the country has local chapters,  
21    so it's basically a riding club of a whole bunch of  
22    enthusiasts that get together and ride together and

1 then there's national and state rallies.

2 Q You testified you're employed by  
3 Harley-Davidson Motor Company, Inc.; is that right?

4 A Yes.

5 Q Are you familiar with Harley-Davidson,  
6 Inc.?

7 A Yes.

8 Q Can you explain the relationship between  
9 those two entities?

10 A Harley-Davidson, Inc., is the parent  
11 company to Harley-Davidson Motor Company.

12 Q Are you familiar with H-D Michigan, Inc.?

13 A Yes.

14 Q Can you explain the relationship between  
15 H-D Michigan, Inc., and your employer, Harley Motor  
16 Company?

17 A Harley-Davidson -- H-D Michigan, Inc.,  
18 owns the trademarks to all Harley-Davidson brands,  
19 names, and they license those trademarks back to us,  
20 Harley-Davidson Motor Company.

21 Q So for purposes of the deposition, if I  
22 refer to the company, we understand I'm referring to

1 all of these related companies, as well.

2 A Yes.

3 Q Can you describe the company's business?

4 A There's many facets to the business.

5 Primary is motorcycle sales, related parts and  
6 accessories, MotorClothes sales, licensing of  
7 product, overseeing the licensing of product, which  
8 includes overseeing how the bar and shield logo and  
9 how the name Harley-Davidson and Harley is executed  
10 in all licensed product. Rider services, including  
11 new rider training, and there's a whole host of  
12 rider services associated with the company.

13 Q In the motorcycle market, is  
14 Harley-Davidson one of the largest motorcycle  
15 manufacturers in the world?

16 A We are the largest heavyweight motorcycle  
17 manufacturer in the world. We own about 58 percent  
18 market share in the U.S., making us the market  
19 leader by well over 20 points -- actually, 30  
20 points. We are the market leader in Japan, and we  
21 hold a strong market position in Europe.

22 Q When was the company founded?



1 A 1903.

2 Q Do you know who founded the company?

3 A William, Walter, Arthur Davidson and Bill  
4 Harley.

5 Q Is Harley-Davidson, Inc., a public  
6 company?

7 A Yes, traded on the New York Stock  
8 Exchange.

9 Q I hand you what will be marked Exhibit 2.  
10 (Beck Exhibit 2 was marked.)

11 THE WITNESS: Oh.

12 BY MS. McLEOD:

13 Q Do you recognize this document?

14 A Yes.

15 Q What is it?

16 A It's a chronological history of the last  
17 105 years of Harley-Davidson. It appears in various  
18 publications in various forms. I --

19 Q Was this document prepared by the company  
20 in the ordinary course of business?

21 A Yes.

22 Q Does the company retain this document in

1 its business records?

2 A Oh, yes.

3 Q Can you highlight for us some of these  
4 milestones in the timeline that pertain to the  
5 Harley-Davidson brand?

6 A Well, I mean, obviously it's got 1903 in  
7 it, which is the founding, and the founders' names.  
8 The opening of our first dealership in 1904, which  
9 is a pretty big milestone since they had only been  
10 in business for one year, so they had opened a  
11 dealership right away.

12 1910, the bar and shield logo as we know  
13 it today was used for the first time and  
14 trademarked. 19 -- I think 1909, the first V-twin  
15 was put onto the marketplace. 1920 -- by 1920, we  
16 were the largest motorcycle manufacturer in the  
17 world. Through the --

18 Q And these don't cover every milestone,  
19 this is just a summary; is that right?

20 A No.

21 Q All right.

22 A 1956, Harley appeared on the cover of the

1     Enthusiast magazine -- I mean, did I say Harley?  
2     Elvis. Elvis Presley appeared on the cover of  
3     Enthusiast magazine.

4             Q     On a Harley-Davidson?

5             A     On a Harley. We actually have his Harley  
6     now in the museum. So, I mean, this whole document  
7     is full of -- you know, this is a history of the  
8     United States as much as it's a history of  
9     Harley-Davidson.

10            Q     In your positions have you become familiar  
11     with the trademarks of the company?

12            A     Yes.

13            Q     Are you familiar with the Harley-Davidson  
14     trademark?

15            A     Oh, yeah.

16            Q     Are you familiar with the trademark  
17     Harley?

18            A     Oh, yeah.

19            Q     Are you familiar with the bar and shield  
20     logo?

21            A     Um-hum, yes, in its many forms, as well.

22            Q     Do you know when the Harley-Davidson mark

1 was selected?

2 A Well, I mean, it was on the very first gas  
3 tank of the motorcycle in 1903, so it appeared on  
4 the first -- the first product. It was on the shed  
5 door of the company before the first product came  
6 out, so it was there in 1902, actually, when they  
7 were building it.

8 Q And is that a combination of the founders'  
9 names?

10 A Yes, Bill Harley and the three Davidson  
11 brothers.

12 Q Are you familiar with the company's U.S.  
13 trademark registrations for the brands we talked  
14 about?

15 A Yes.

16 (Beck Exhibit 3 was marked.)

17 BY MS. McLEOD:

18 Q I hand you what's marked Exhibit 3. Do  
19 you recognize this document?

20 A Yes.

21 Q What is it?

22 A It's a list of all of the trade -- not

1 all, just a -- just a few of the trademarks that H-D  
2 Michigan owns.

3 Q So this is a summary of some of the  
4 registrations but not all of them for the  
5 Harley-Davidson trademarks?

6 A Yes. It's not even close to all of them  
7 that we own.

8 Q Does the company maintain records of its  
9 trademark registrations in the ordinary course of  
10 business?

11 A Yes.

12 Q And does the company maintain these files  
13 as business records?

14 A Fervently.

15 Q And does the information in this summary  
16 chart truly and accurately reflect the registration  
17 data that's in the company records?

18 A Yes. It summarizes them, you know, of the  
19 ones that are here.

20 Q You mentioned the company first used the  
21 trademark Harley-Davidson in 1903 or 1904. Was that  
22 actually on the motorcycle itself?

1           A     It was on the gas tank of the vehicle.

2           Q     Has the company continuously used the  
3     Harley-Davidson mark for motorcycles since 1903?

4           A     Yes. It's how we become the brand that we  
5     are today.

6                     (Beck Exhibit 4 was marked.)

7     BY MS. McLEOD:

8           Q     I'm going to hand you what's marked  
9     Exhibit 4. Do you -- take a minute and look through  
10    this exhibit.

11          A     Okay. (Reviewing Beck Exhibit 4.)

12          Q     Do you recognize this document?

13          A     Yes.

14          Q     What is it?

15          A     It's a summary of the detail behind the  
16    trademark registrations currently held in the Patent  
17    Office.

18          Q     This is actually a copy of the  
19    registrations at issue, isn't it?

20          A     Oh, yes. The actual registrations.

21          Q     Does the company maintain a copy of these  
22    registrations as part of its business records?

1 A Yes.

2 Q And the company relies on these in  
3 conducting its ordinary business?

4 A Heavily.

5 Q Who owns these trademark registrations?

6 A H-D Michigan, Inc.

7 Q And are these registrations just for the  
8 mark Harley-Davidson?

9 A These are.

10 Q Right.

11 A Yes.

12 Q So looking at the first registration,  
13 507,163, is this registration still valid and  
14 subsisting on the U.S. Register?

15 A Yes.

16 Q Registration 508,160, is this still valid  
17 and subsisting on the Register?

18 A Yes.

19 Q Registration number 518,062, is this --

20 A Yes.

21 Q -- still valid and subsisting?

22 A Yep.

1           Q     Registration 519,875, is this registration  
2     still valid and subsisting on the Register?

3           A     Yes.

4           Q     Registration 522,500, is this registration  
5     still valid and subsisting on the Register?

6           A     Yes.

7           Q     Registration 522,501, is this registration  
8     still valid and subsisting?

9           A     Yes.

10          Q     Registration 5 -- looks like there's a  
11     duplicate here of 522,501.

12                 Registration 539,805, is that still valid  
13     and subsisting?

14          A     Yes.

15          Q     Registration number 539,805 --

16          A     Yes.

17          Q     -- is that still valid and subsisting?

18          A     Yes.

19          Q     Registration number 947,170, is that still  
20     valid and subsisting on the Register?

21          A     Yes.

22          Q     Looks like we have a copy of that.



1 Registration 1,078,871, is that still valid and  
2 subsisting?

3 A Yes.

4 Q Registration 1,219,955, is that still  
5 valid and subsisting on the Register?

6 A Yes.

7 Q Registration 1,223,355, is that still  
8 valid and subsisting on the Register?

9 A Yes.

10 Q Registration number 1,230,734, is that  
11 registration still valid and subsisting?

12 A Yes.

13 Q Registration 1,234,404, is that still  
14 valid and subsisting?

15 A Yes.

16 Q Registration number 1,255,091, is that  
17 still valid and subsisting?

18 A Yes.

19 Q Registration 1,311,457, is that valid and  
20 subsisting?

21 A Yes.

22 Q Registration 1,450,348, is that

1 registration still valid and subsisting?

2 A Yes.

3 Q Registration 1,471,644, is that still  
4 valid and subsisting?

5 A Yes.

6 Q Registration 1,510,786, is that still  
7 valid and subsisting?

8 A Yes.

9 Q Registration 1,578,497, is that still  
10 valid and subsisting?

11 A Yes.

12 Q Registration 1,590,042, is that still  
13 valid and subsisting?

14 A Yes.

15 Q Registration 1,594,879, is that still  
16 valid and subsisting?

17 A Yes.

18 Q Registration 1,602,474, is that still  
19 valid and subsisting?

20 A Yes.

21 Q 1,603,741, is that still valid and  
22 subsisting?

1           A     Yes.

2           Q     1,606,282, is that still valid and  
3     subsisting?

4           A     Yes.

5           Q     And 1,610,377, is that registration still  
6     valid and subsisting on the Register?

7           A     Yes.

8           Q     1,610,396, is that registration number  
9     still valid --

10          A     Yes.

11          Q     -- and subsisting?

12                 And 1,621,383, is that registration still  
13     valid and subsisting?

14          A     Yes.

15          Q     Registration 1,708,418, is that still  
16     valid and subsisting?

17          A     Yes.

18          Q     Registration 1,716,993, is that still  
19     valid and subsisting?

20          A     Yes.

21          Q     Registration 2,281,489, is that still  
22     valid and subsisting?

1           A     Yes.

2           Q     Registration 2,496,088, is that still  
3     valid and subsisting?

4           A     Yes.

5           Q     And registration 2,921,245, is that still  
6     valid and subsisting?

7           A     Yes.

8           Q     And all of these registrations cover the  
9     mark Harley-Davidson?

10          A     Correct. In what seems like every  
11     category under the sun.

12          Q     So are you familiar with the use in  
13     commerce of these trademarks we just reviewed and  
14     the registrations?

15          A     Yes.

16          Q     Can you describe the types of products and  
17     services that are offered under the Harley-Davidson  
18     brand?

19          A     Obviously there's the motorcycles, the  
20     clothing, the apparel, the jewelry, the licensed  
21     product, everything from billiard tables and pool  
22     cues to leather couches to boots to belts, wallets,

1 chains, telephones, cell phones, everything.

2 Q Does the company use a Harley-Davidson  
3 mark for dealer retail stores?

4 A Yes.

5 Q Do you know when the company first used  
6 the trademark Harley-Davidson for the dealer retail  
7 sales?

8 A 1904, I would -- you know, based on the  
9 fact that we had our first dealership and they  
10 reflected the Harley-Davidson product.

11 Q And the company continuously used the  
12 Harley-Davidson mark for retail sales of motorcycles  
13 since that date?

14 A Absolutely. External signs.

15 Q How else is the Harley-Davidson mark used  
16 for retail stores, dealers' stores?

17 A Well, all of our dealerships are well  
18 marked in terms of external signage, but there's  
19 also internal signage. So it's pretty clear that  
20 Harley-Davidson -- that you're at a Harley-Davidson  
21 dealership. It's used in, you know, outdoor  
22 billboards, advertising at point of sale. It's used

1 in all of the marketing materials designed to drive  
2 customers to that point of sale.

3 Q What types of products are sold at the  
4 dealer stores?

5 A Motorcycles, parts, accessories, apparel,  
6 MotorClothes, gifts, gift items, which are things  
7 like mugs and wallets and belts, collectibles,  
8 jewelry, rental services.

9 Q Did you say clothing is sold through the  
10 retail environment?

11 A Clothing, yep, T-shirts, leathers, riding  
12 gear, hats, helmets, gloves. Virtually anything  
13 that you need on a motorcycle or anything that you  
14 want to affiliate with Harley-Davidson you can  
15 pretty much get it at a retail location.

16 Q Do you know when the company first used  
17 the trademark Harley-Davidson for clothing?

18 A 1914.

19 Q Can you identify different types of  
20 clothing that bear the Harley-Davidson mark?

21 A Yes. I'm wearing one.

22 Q What are you wearing?

1           A     I'm wearing a shirt that says  
2     "Harley-Davidson Motorcycles" on it, and actually  
3     it's using one of the registered trademarks that  
4     dates back to 1903.

5           Q     So what other types of clothing bear the  
6     Harley-Davidson trademark in addition to shirts?

7           A     T-shirts, hats, gloves, boots, helmets,  
8     riding leathers, rain gear, jeans, denims, vests,  
9     socks, underwear, pajamas. Pretty much if you can  
10    wear it, it's got -- you know, we've got  
11    Harley-Davidson on it.

12          Q     How is the Harley-Davidson mark used on  
13    clothing?

14          A     As an identifier. It's embroidered. It's  
15    embossed. It's screen-printed. It's generally very  
16    large. It's unmistakable. It's used on the tags in  
17    the shirts and on the apparel. Every -- every piece  
18    of apparel that has a Harley-Davidson brand outside  
19    has a tag on the inside that features the  
20    Harley-Davidson trademark, the bar and shield logo,  
21    at a minimum.

22          Q     Is it used on hang tags, did you say?

1           A     It's used on hang tags.

2           Q     Labels?

3           A     It's actually used on the hangers.  It's  
4     used on the labels in the shirts.

5           Q     Has the company continuously used  
6     Harley-Davidson in connection with some form of  
7     clothing since 1914, 1915?

8           A     Yes.  It's how the brand has become so  
9     strong.

10          Q     Is the Harley-Davidson mark used in  
11     connection with any head wear?

12          A     Yeah, from everything from protective head  
13     wear of helmets, you know, to bandanas to caps to  
14     stocking caps to neck gators to goggles to  
15     sunglasses to anything that you can -- stocking  
16     caps.

17          Q     Do you know the date the company first  
18     used the trademark Harley-Davidson for head wear?

19          A     I don't.

20          Q     Has the company used the Harley-Davidson  
21     mark in connection with head wear since at least as  
22     early as you first joined Carmichael Lynch in the



1 mid '80s?

2 A Oh, yeah. I mean, you know, as far as the  
3 specific date, I mean, I know the clothing was used  
4 in 1914 and --

5 Q Have you seen it --

6 A -- I've seen it in history books, you  
7 know, as early as the early 1900s, as head wear. I  
8 mean, they were selling leather helmets, they were  
9 selling caps with the Harley-Davidson mark on it in,  
10 you know, the early '20s.

11 Q And is the Harley-Davidson mark used on  
12 head wear in a similar way as clothing?

13 A Yes.

14 Q Like --

15 A Bar and shield, embroidered, you know,  
16 stickers, patches. It's all heavily branded.

17 Q Is it used on hang tags?

18 A Yes.

19 Q Labels for the hats?

20 A Yes.

21 Q So has the company continuously used the  
22 Harley-Davidson mark for head wear since at least as

1 early as the time you first joined Carmichael Lynch  
2 in the mid '80s?

3 A Oh, yeah.

4 Q Even earlier?

5 A Oh, yeah. Like I said, the early '20s  
6 I've seen many references in history books to the  
7 Harley-Davidson branded head wear.

8 Q Does the company offer jewelry under the  
9 Harley-Davidson mark?

10 A Yes, a wide variety.

11 Q Do you know approximately when the company  
12 first used the trademark Harley-Davidson for  
13 jewelry?

14 A 19 -- early 1920s.

15 Q What type of jewelry has borne the  
16 Harley-Davidson mark?

17 A Everything from rings to belt buckles to  
18 earrings to wrist watches, nose rings.

19 Q Pins?

20 A Pins.

21 Q Bracelets?

22 A Yes.

1 Q Earrings?

2 A Earrings.

3 Q Tie tacks?

4 A Yep.

5 Q Clocks?

6 A Clocks, yes. I mean, in terms of jewelry,  
7 yeah. Plates, you know. I think of the broad  
8 category of jewelry would be --

9 Q Pendants?

10 A -- collectible plates, pendants, pens.

11 Q And has the company continuously used the  
12 Harley-Davidson mark in connection with jewelry  
13 since the early '20s?

14 A Yes.

15 Q You mentioned parts and accessories  
16 earlier. Do you know when the Harley-Davidson mark  
17 was first used for motorcycle parts and accessories?

18 A Parts and accessories were probably --  
19 well, let's see here. Parts and accessories would  
20 be....

21 Q Did the company offer parts and  
22 accessories around the time the first motorcycles

1       were made?

2           A     Oh, yeah.

3           Q     So would it be accurate to say it would be  
4       the early 1900s; is that right?

5           A     Very.

6           Q     Can you describe the different types of  
7       parts and accessories that bear the Harley-Davidson  
8       mark?

9           A     Oils, lubricants, spark plugs, spark plug  
10       wires, derby covers, greases. Here's one for 1911,  
11       so....

12          Q     And you're referring to a registration?

13          A     Right.

14          Q     Which number?

15          A     522,501.

16          Q     And that's for the Harley-Davidson mark?

17          A     It's for the Harley-Davidson mark under  
18       lubricating oils and greases.

19          Q     And has the company continuously used  
20       Harley-Davidson mark in connection with parts and  
21       accessories for motorcycles since the early 1900s?

22          A     Yes.

1           Q     How is the Harley-Davidson mark used on  
2     those products?

3           A     Packaging, both on the physical product  
4     but also on the package that carries the product to  
5     market, the display packaging. I've seen it  
6     embossed, screen-printed, you know, on those  
7     packages.

8           Q     And I don't know if I asked you, but to  
9     revisit the jewelry, how is the Harley-Davidson mark  
10    used in connection with the different jewelry items  
11    you listed?

12          A     It's -- it's been engraved. It's been  
13    casted into. It's been painted, plated, always kind  
14    of -- I mean, from what I've seen, it's generally  
15    very permanent, you know, and very identifiable  
16    marking because that's why people buy it.

17          Q     So we've talked about motorcycles, parts  
18    and accessories, jewelry and clothing. Can you just  
19    describe in general some other categories of  
20    products that the Harley-Davidson mark has been used  
21    with over the years?

22          A     Books, pins, financial services.

1 Q Has it been used in connection with mugs?

2 A Mugs.

3 Q Key chains?

4 A Key chains, belt buckles.

5 Q Sunglasses?

6 A Leather belts, sunglasses, dog -- you  
7 know, anything. Dog collars, dog dishes. Some --  
8 some very wide use type of products, products that  
9 in many cases aren't even associated with a  
10 motorcycle; they're associated with the lifestyle.

11 Q Are those called collateral products?

12 A Collateral products, collectibles, toys.

13 Q And has the company used the  
14 Harley-Davidson brand on those types of collateral  
15 products since you -- as early as when you joined  
16 Carmichael Lynch?

17 A Oh, yeah.

18 Q Even earlier?

19 A Well, in some of those trademark  
20 registrations you can see some of the categories  
21 dating back to 1914 and, you know, that time period.

22 (Beck Exhibit 5 was marked.)

1 BY MS. McLEOD:

2 Q I'm handing you what's been marked Exhibit  
3 5. Can you take a minute and look through that  
4 exhibit.

5 A Um-hum. (Reviewing Beck Exhibit 5.)  
6 Okay.

7 Q What are these documents?

8 A These are the trademark registrations for  
9 the word "Harley."

10 Q And does the company maintain copies of  
11 the trademark registrations as part of their  
12 business records?

13 A Yes.

14 Q And the company relies on these  
15 registrations in conducting their ordinary business?

16 A Every day.

17 Q Who owns the trademark registrations in  
18 this exhibit?

19 A H-D Michigan, Inc.

20 Q On the face of the registration, number  
21 1,352,679, for example, it lists Harley-Davidson  
22 Motor Company as the owner. Were these

1 registrations assigned to H-D Michigan, Inc.?

2 A They were assigned to H-D Michigan, Inc.,  
3 approximately 10 years ago.

4 Q And is that true with the Harley-Davidson  
5 registrations we discussed earlier?

6 A Yes.

7 Q Okay. So all the registrations have been  
8 assigned to H-D Michigan, Inc.?

9 A Yes. As I said earlier, the H-D Michigan,  
10 Inc., owns all the registrations. We license them  
11 back.

12 Q So looking at the first registration,  
13 number 1,352,679 for the mark Harley, is that still  
14 valid and subsisting?

15 A Yes.

16 Q Registration number 1,406,876 for the mark  
17 Harley, is that still valid and subsisting?

18 A Yes.

19 Q Registration number 1,683,455, is that  
20 still valid and subsisting?

21 A Yes.

22 Q Registration 1,708,362 for the mark



1 Harley, is that still valid and subsisting?

2 A Yes.

3 Q Registration 2,118,67 [sic] for the mark  
4 Harley, is that still valid and subsisting?

5 A Yes.

6 Q Registration number 2,120,748 for the mark  
7 Harley, is that still valid and subsisting?

8 A Yes.

9 Q Are you familiar with the use in commerce  
10 of the mark Harley alone?

11 A Yes. It's used for motorcycles, it's used  
12 for hats, gloves, scarfs, T-shirts, children's wear.

13 Q Does the company use the Harley mark by  
14 itself in connection with motorcycles?

15 A Yes.

16 Q Do you know the date the company first  
17 used Harley for motorcycles?

18 A For motorcycles, it was 1982.

19 Q And has the company continuously used  
20 Harley in connection with motorcycles since that  
21 date?

22 A Yes, in virtually every piece we produce.

1 Q How is it used for motorcycles?

2 A In motorcycles, I mean, the easiest  
3 reference for me is virtually every brochure or ad  
4 that we write or that we communicate to the end  
5 consumer has the word Harley used in it, trademarked  
6 with the registration mark clearly because it's  
7 common reference for customers to refer to their  
8 motorcycle in many cases as a Harley.

9 Q Is it used on packaging for motorcycles?

10 A It's used on, yes, packages that the  
11 motorcycles are delivered in. It's also used on the  
12 packaging for parts and accessories.

13 Q Has the company used the trademark Harley  
14 for clothing?

15 A Yes.

16 Q What is the date of first use for the  
17 trademark for clothing, Harley trademark?

18 A 1981.

19 Q Can you describe what types of clothing  
20 have been sold under the Harley trademark?

21 A T-shirts, hats, gloves, scarfs, you know,  
22 fashion wear, leathers, protective leathers, boots,

1       sweatshirts. It's been used on embroidered patches.

2           Q       How long has --

3           A       Stickers.

4           Q       How is the Harley trademark used on the  
5       clothing?

6           A       Variety of ways. It either appears as a  
7       patch or it's embroidered or it's screen-printed.

8           Q       Is it used on the labels in the back of  
9       clothes?

10          A       It's used on the labels.

11          Q       Hang tags?

12          A       It's used on the, yeah, the hang tags.  
13       It's used on, like I said, the hangers. It's used  
14       on the displays.

15          Q       Has the company continuously used Harley  
16       in connection with clothing since 1981?

17          A       Yes.

18          Q       Does the company use Harley in connection  
19       with patches?

20          A       Oh, yes.

21          Q       Do you know the date the first use -- the  
22       trademark was used for patches?

1 A 1989.

2 Q And has it continuously been used on  
3 patches since that date?

4 A Oh, yeah. Yes.

5 Q Are you familiar with the company's bar  
6 and shield logo?

7 A Yes.

8 (Beck Exhibit 6 was marked.)

9 BY MS. McLEOD:

10 Q I'm handing you what's marked Exhibit 6.  
11 Can you take a minute and look at this exhibit.

12 A (Reviewing Beck Exhibit 6.) Okay.

13 Q What is this exhibit?

14 A This is the Patent and Trademark Office's  
15 principal registration of the trademark of the bar  
16 and shield.

17 Q Are there different versions of the bar  
18 and shield shown in these registrations?

19 A Many different versions.

20 Q Does the company maintain these trademark  
21 registrations as part of their business records?

22 A Yes.

1 Q Does the company rely on these documents  
2 in conducting their ordinary business?

3 A Yes.

4 Q Who owns the trademark registrations in  
5 this exhibit?

6 A H-D Michigan, Inc.

7 Q And if I read through the numbers, will  
8 you tell me if they are each valid and subsisting  
9 today?

10 A Yeah.

11 Q So registration 1,263,936?

12 A Yes.

13 Q Registration 1,660,539?

14 A Yes.

15 Q Registration 1,711,882?

16 A Yes.

17 Q Registration 2,660,205?

18 A Yes.

19 Q Registration number 3,058,720?

20 A Yes.

21 Q Registration 3,393,839?

22 A Yes.

1 Q Registration 1,571,032?

2 A Yes.

3 Q Registration 1,205,380?

4 A Yep.

5 Q Registration 1,571,032?

6 A Yes.

7 Q Registration 1,311,460?

8 A Yes.

9 Q Registration 2,376,674?

10 A Yes.

11 Q Registration 1,741,456?

12 A Yes.

13 Q Registration 1,511,060?

14 A Yes.

15 Q Registration number 1,913,992?

16 A Yes.

17 Q Registration number 1,224,868?

18 A Yes.

19 Q Registration 2,406,156?

20 A Yes.

21 Q Registration number 1,541,652?

22 A Yes.

1 Q Registration number 2,725,495?

2 A Yes.

3 Q Registration number 2,834,098?

4 A Yes.

5 Q Registration number 2,834,099?

6 A Yes.

7 Q Registration 2,834,100?

8 A Yes.

9 Q Registration 2,230,532?

10 A Yes.

11 Q Registration number 2,868,756?

12 A Yes.

13 Q Registration 2,873,756?

14 A Yes.

15 Q Registration 2,868,755?

16 A Yes.

17 Q Registration number 1,688,264?

18 A Yes.

19 Q Are you familiar with the use in commerce  
20 of the bar and shield logo for different products?

21 A Yes.

22 Q Do you know when the company first used

1 the bar and shield logo?

2 A 1910.

3 Q Was that in connection with motorcycles?

4 A In connection with motorcycles, yes.

5 Q Has the company used the bar and shield  
6 logo in connection with motorcycles since that 1910  
7 date?

8 A Yes --

9 Q Has the company --

10 A -- on product.

11 Q It's placed actually on the product?

12 A Yes.

13 Q Has the company used the bar and shield  
14 logo in connection with clothing?

15 A Yes, since --

16 Q Do you know the first date the company  
17 used the bar and shield logo for clothing?

18 A 1914.

19 Q Has the company used the bar and shield  
20 logo for clothing since that date?

21 A Yes.

22 Q Is the bar and shield logo used in



1 connection with patches?

2 A Yes.

3 Q Do you know approximately how long the  
4 company has used the bar and shield logo for  
5 patches?

6 A Since 1930.

7 Q And has the company continuously used the  
8 bar and shield with patches since then?

9 A Oh, yes. One of the most famous logos in  
10 the world.

11 Q So if we could just focus on the mark  
12 that's shown in the first few registrations that  
13 read motor -- Harley-Davidson Motorcycles --

14 A Yes.

15 Q -- in bar and shield. Do you see the  
16 group I'm talking about?

17 A Yes.

18 Q And you're familiar with this logo shown  
19 in these registrations, the use of it?

20 A Very familiar.

21 Q And can you describe this particular bar  
22 and shield logo?

1           A     It's -- the base of it is a basic shield  
2     shape, kind of like an old war shield, warrior  
3     shield, and then there's a bar that runs across it  
4     with the words "Harley-Davidson" in it. And in the  
5     base of the shield is the words "motor" and  
6     "cycles."

7           Q     So the --

8           A     And it's been very consistently used that  
9     way.

10          Q     So the bar is horizontally across the top  
11     of the shield; is that right?

12          A     It lays on top of the shield, is the way I  
13     kind of look at it.

14          Q     Looking at the bar and shield logo shown  
15     in registration 1,263,936, can you compare it to the  
16     one shown in registration 1,660,539?

17          A     Okay. The one in '539 -- let's get this  
18     out here. The one in '936 has a -- the bar is more  
19     elongated and the shield is a little bit narrower.  
20     The one in '539, the proportions are more balanced  
21     between the shield and the bar.

22          Q     So is this later one just a slight

1 modification of the earlier one?

2 A Yes.

3 Q But they are materially the same?

4 A Yes.

5 Q Okay.

6 A They are -- yes. They are actually both  
7 still in use today. That's what -- well....

8 Q Can you describe the different products  
9 that have been used in connection with this version,  
10 the motorcycle version of the bar and shield logo,  
11 all of them shown in these registrations?

12 A Yeah, all of these variations of this  
13 logo, whether it's more elongated or whether it's  
14 the more balanced, have been in use since their  
15 first use. So I see on this document it says it's  
16 been in use since 1933.

17 I don't know if this shirt today that I'm  
18 wearing actually has one on it, but it's quite  
19 common for it to be used on all clothing, all  
20 apparel, on all motorcycles, parts, accessories,  
21 packaging.

22 Q Do you know the date the company first

1     used the bar and shield logo, Harley-Davidson  
2     Motorcycles, for motorcycles?

3           A     1910.

4           Q     And has the company continuously used the  
5     bar and shield logo for motorcycles since that date?

6           A     Yes.

7           Q     How is it used in connection with  
8     motorcycles?

9           A     I've seen -- it's very prominently  
10    displayed on the product itself, gas tank  
11    medallions, typically, backrests, embossed in seats,  
12    on the package of the motorcycle itself. It's  
13    debossed and embossed on parts all over the  
14    motorcycle. You see it on the speedometer, you see  
15    it on the handlebar clamps. Virtually every part.

16          Q     I can't remember if I asked, has it been  
17    continuously used for motorcycles since the early  
18    1900s?

19          A     Yes.

20          Q     And does the company use this version of  
21    the bar and shield logo with Harley-Davidson  
22    Motorcycles for the dealer retail stores?

1           A     Yes, very prominently, exterior and  
2     interior.

3           Q     Do you know the date of first use by the  
4     dealers of this version?

5           A     I think it's 19 -- just a second here.  
6     1910, retail store services.

7           Q     Has the company continuously used the  
8     Harley-Davidson Motorcycles bar and shield logo for  
9     retail store services since at least as early as the  
10    time you joined Carmichael Lynch in the '80s?

11          A     Yes.

12          Q     Can you describe how it's used by the  
13    retail stores?

14          A     Exterior signage, all marketing materials,  
15    interior signage, packaging, labels, all marketing  
16    materials that the dealers use, all marketing  
17    materials that the dealers are provided from the  
18    company, so brochures, billboards, outdoor ads.

19          Q     Has the bar and shield logo  
20    Harley-Davidson Motorcycles been used in connection  
21    with clothing?

22          A     Yes.

1           Q     Do you know when the company first used  
2     the version Harley-Davidson Motorcycles for  
3     clothing?

4           A     1914.

5           Q     And has the company continuously used the  
6     bar and shield logo Harley-Davidson Motorcycles for  
7     clothing since that date?

8           A     Yes.

9           Q     And does the Harley-Davidson Motorcycles  
10    bar and shield logo, how does it appear on clothing?

11          A     Again, patches embroidered, hang tags,  
12    product tags, silk screen printed.

13          Q     Is this logo, the Harley-Davidson  
14    Motorcycles bar and shield, used for patches?

15          A     Oh, yes, as early as 1930.

16          Q     Has the company continuously used it for  
17    patches since that date?

18          A     Yes.

19          Q     And in general can you describe other  
20    products that have borne the Harley-Davidson  
21    Motorcycles logo, bar and shield logo?

22          A     Other products outside of the one --

1 outside of like motorcycles?

2 Q In addition to the clothing and  
3 motorcycles we have discussed.

4 A Jewelry. It's heavily used in jewelry.  
5 Like I said, categories of, you know, knives, belts,  
6 belt buckles, outer wear, accessories, decorative  
7 accessories for motorcycles, you know, mugs,  
8 ashtrays. I've seen it on couches. I've seen it on  
9 pool tables, jukeboxes.

10 Q Are you familiar with the --

11 A Rocking chairs.

12 Q Are you familiar with the use of the mark  
13 Harley-Davidson MotorClothes bar and shield?

14 A Yes.

15 Q And this is the mark shown in registration  
16 1,571,032.

17 A Okay.

18 Q And is this -- is it fair and accurate to  
19 say that this mark is substantially the same as the  
20 Motorcycle's version except the word "Clothes" is  
21 different?

22 A Yes. The word "Clothes" replaces the word

1 "Cycles" in the MotorClothes logo.

2 Q When did the company first use the  
3 MotorClothes bar and shield?

4 A 1988.

5 Q What product was that with?

6 A It was for leathers, riding gear, jackets,  
7 T-shirts, denim, jeans.

8 Q Has the company continuously use the  
9 MotorClothes bar and shield logo since the '80s?

10 A In multiple forms, yes, including this  
11 one.

12 Q How is this mark used in connection with  
13 clothing?

14 A It's -- it appears on -- it appears on the  
15 tag inside the clothing, identifying the clothing.  
16 It's embroidered. It's got a patch. It's used in  
17 patches, screening. It's also used in connection  
18 with a branded logo.

19 Q Can you describe that logo?

20 A The branding logo that is used in many  
21 communications has a ribbon across the bottom of the  
22 bar and shield that says -- underneath the bar and



1 shield says, "An American Legend," and there's an  
2 eagle sitting on top with folded wings.

3 Q Is that the same mark shown in  
4 registration 2,406,156?

5 A Yes.

6 Q And to the best of your knowledge, this  
7 mark has been in use in connection with all the  
8 things listed here?

9 A It's in use on the back of this shirt  
10 right here.

11 Q The shirt you're wearing right now?

12 A The shirt I'm wearing.

13 Q So is it accurate to say a wide variety of  
14 clothing --

15 A Yes.

16 Q -- this mark is used, the American Legend?

17 A Yes, it is a mark that's used on all hang  
18 tags and anything to do with apparel that carries  
19 the -- that appears under the MotorClothes brand.  
20 So hang tags, all communications on the product in  
21 that form. It signifies the brand.

22 Q Do you know when the company first used

1 the MotorClothes version, An American Legend, for  
2 clothing?

3 A 1989.

4 Q And it's been in continuous use since  
5 then?

6 A Yes. I actually have the original artwork  
7 in my office.

8 Q Are you familiar with the use of the  
9 trademark Harley-Davidson with the words  
10 Harley-Davidson across the bar but the shield is  
11 blank?

12 A Yes. I think that's the one that....

13 Q So we're talking about the mark in the  
14 registration 1,311,460?

15 A Yes.

16 Q Can you state the date of first use for  
17 this version of the bar and shield logo?

18 A 1910.

19 Q What was it used in connection with?

20 A Identification for repair and servicing of  
21 motorcycles. So it was an identifier to say that  
22 this dealership was a place that would repair, or

1 the place of business would repair or service a  
2 motorcycle from Harley-Davidson.

3 Q Was it also used in connection with the  
4 retail store services for the sale of motorcycles?

5 A Yes.

6 Q And has it been in continuous use since  
7 then?

8 A Yes. It appears on much of the packaging  
9 still today.

10 Q Packaging for the motorcycles?

11 A Packaging for the motorcycle parts and  
12 accessories. It also is on packaging for the  
13 motorcycles, as well.

14 Q Is it also used on dealership signs?

15 A That particular logo -- that particular  
16 logo, if it was used for repair and servicing of  
17 motorcycles, it was probably used on signs, yes.

18 Q Are you familiar with the bar and shield  
19 logo that's blank?

20 A Yes.

21 Q Has no wording on it?

22 A Very.

1           Q     And for all the bar and shield logos we've  
2     talked about, is it fair and accurate to say that  
3     the appearance of the bar and shield itself is  
4     consistent?

5           A     Yes.

6           Q     And that's with the exception of the  
7     slightly elongated bar, is that right, on the  
8     earlier version?

9           A     I consider it, the elongated bar,  
10    consistent.

11          Q     They're all consistent?

12          A     I mean, it's obvious that the bar and  
13    shield is coming from -- whether it's elongated or  
14    not, they're still the same idea.

15          Q     So they give the same commercial  
16    impression?

17          A     Same commercial impression, same  
18    appearance, very strongly related.

19                   MS. McLEOD: Do you want to take a break?

20                   THE WITNESS: Yes, please.

21                   (Recess at 10:00 a.m. to 10:11 a.m.)

22    BY MS. McLEOD:

1           Q     Are you familiar with the blank bar and  
2     shield logo that has no words on it?

3           A     Yes.

4           Q     Do you know when the company first used  
5     the blank bar and shield logo?

6           A     First use was...looks like 1990, 1997 --  
7     or 1977. 1977.

8           Q     Do you know what that was in connection  
9     with?

10          A     Clothing, boots, sweatshirts, jeans, hats,  
11     caps, riding suits --

12          Q     And --

13          A     -- bandanas.

14          Q     And how was the blank bar and shield used  
15     in connection with the clothing that you described?

16          A     It appears via patch, embroidery, sewn in,  
17     silk screened, you know, a variety of sizes, huge or  
18     on the sleeve.

19          Q     And has the company continuously used the  
20     blank bar and shield logo since the '70s?

21          A     Oh, yes.

22          Q     In connection with clothing?

1           A     Clothing and motorcycles and signage in  
2     dealership and outside of dealership.

3           Q     So by dealership you mean it's used to  
4     identify retail stores?

5           A     Yes.

6           Q     And it's been continuously used since  
7     before you joined Carmichael Lynch --

8           A     Yes.

9           Q     -- for those things? Does the company use  
10    this blank bar and shield logo on its website?

11          A     Yes --

12          Q     What is the company --

13          A     -- every page. It appears on every page  
14    of the website.

15          Q     What is the URL for the company's website?

16          A     Harley-Davidson.com.

17          Q     And where does it appear on the website?

18          A     It's in the upper left-hand corner. You  
19    can't navigate to any pane, any pane of the website  
20    without seeing that logo up there in the upper  
21    left-hand corner.

22          Q     Is the blank bar and shield logo also used

1 on signage within the dealer stores?

2 A Yes. It's used on fixtures. Dealers will  
3 oftentimes use it to, you know, be a repeat pattern  
4 throughout the dealership to signify, you know, the  
5 shape of the bar and shield. We actually use it in  
6 retail environment fixtures, so the fixtures that we  
7 sell to the dealers have the blank bar and shield  
8 either laser cut out of the metal or embossed or  
9 embroidered into the metal.

10 Q And is it used in connection with  
11 motorcycles, the blank bar and shield?

12 A Yes.

13 Q Is it used in connection --

14 A It's used on motorcycle parts, spark  
15 plugs.

16 Q Do you know the earlier dates it was used  
17 in commerce for those things?

18 A Well, it's been -- it was used as early --  
19 I mean, the one with Harley-Davidson through the bar  
20 was used in 1910.

21 Q The blank version, was that used as early  
22 as 1988 for motorcycle parts?

1           A     Yes.

2           Q     And has it been continuously used for  
3     motorcycle parts since that time?

4           A     Yes.

5           Q     And was it used in connection with  
6     motorcycles since then?

7           A     Yes.

8           Q     And --

9           A     It's been on the package since its  
10    beginning use, and today it's probably the most  
11    prominent marking on the package.

12          Q     Are you familiar with the use in commerce  
13    of the bar and shield logo shown in the registration  
14    1,224,868?

15          A     Yes.

16          Q     Can you describe --

17          A     Very familiar.

18          Q     Can you describe that logo?

19          A     It is an eagle, American bald eagle, with  
20    its wings spread up in a sort of V, for victory,  
21    shape. And it's grasping the bar and shield logo  
22    that reads Harley-Davidson Motorcycles in it. It's



1 a logo that has been very famously used on a whole  
2 bunch of products, not only in clothing and apparel  
3 and jewelry and cigarette lighters and derby covers  
4 but it also is -- I've seen it tattooed on people's  
5 skin. And we have actually featured this actual  
6 logo in an advertisement with a man who actually had  
7 it tattooed on his arm.

8 Q Do you know the -- did you say this mark  
9 was used in connection with motorcycles?

10 A It is used in connection with motorcycles.  
11 I've seen it used as decorative.

12 Q What do you mean by decorative?

13 A Decorative parts of motorcycles, like on  
14 derby covers, which is a cover on the engine. I've  
15 seen it painted on the tanks. I've seen it appear  
16 as a logo on the fairing of motorcycles.

17 Q When is the date of -- what is the date of  
18 first use of this version of the bar and shield logo  
19 for motorcycles?

20 A 1975.

21 Q And it's been in continuous use since  
22 then?

1           A     Yes.

2           Q     Is this version of the bar and shield logo  
3     also used for clothing?

4           A     Yes.

5           Q     Is it used in connection with jewelry?

6           A     Clothing, jewelry, parts, accessories.  
7     It's a very famous cigarette lighter.  It's used as  
8     belt buckles, wallets.

9           Q     Has it been used in connection with those  
10    products since the '70s?

11          A     Yes.  It's a very famous logo from the  
12    '70s, actually.

13          Q     And it's been in continuous use for the  
14    clothing, jewelry, and other items you listed since  
15    the '70s?

16          A     Yes.

17          Q     Are you familiar with the bar and shield  
18    logo that has the H-D?

19          A     Yes.

20          Q     Can you describe that for us?

21          A     It's the outlined shape of the bar and  
22    shield with what looks like a vertical banner

1 hanging down from the bottom of it. It has just the  
2 letters H-D in the middle of the bar and shield.

3 Q When did the company first use this  
4 version of the bar and shield logo?

5 A 1983.

6 Q What products have been used -- have borne  
7 this logo?

8 A I've seen it in use on clothing, boots,  
9 sweatshirts, riding suits, T-shirts, bandanas.

10 Q What's the earliest date of first use of  
11 the H-D bar and shield logo for clothing?

12 A You mean this one?

13 Q I mean the one that has H-D and the bar  
14 and shield, the one that appears as the registration  
15 1,541,652.

16 A 1983.

17 Q It's been in continuous use since then for  
18 clothing?

19 A Yes.

20 Q And is it used in a similar manner to the  
21 other logos on hang tags, labeling?

22 A Yes.

1           Q     And is it printed on the products  
2 themselves --

3           A     Yes.

4           Q     -- the clothing? Are you familiar with  
5 the use of the bar and shield logo in a badge  
6 format?

7           A     Yes.

8           Q     Can you describe the different badge bar  
9 and shield logos?

10          A     There's a sheriff's badge that has a  
11 number 1 on it. There's a police badge that has a  
12 number 1 incorporated on it. The sheriff's badge is  
13 kind of an old western star background with the bar  
14 and shield and the eagle with the wings down. It  
15 was put into use at the request of many -- we sell a  
16 lot of motorcycles to police and firefighters across  
17 the country, and they have been so passionate about  
18 the connection with Harley-Davidson that they have  
19 requested that we develop our own logo, so....

20          Q     So turning to the sheriff version that you  
21 described with the bar and shield logo, do you know  
22 the date that was first used in commerce for

1 products?

2 A It was 2002.

3 Q And what products has it been used in  
4 connection with?

5 A It's been used on motorcycles. I've seen  
6 it used on motorcycles, T-shirts, pins, it's a big  
7 pin logo, hats, caps, jackets.

8 Q It's been in continuous use --

9 A Yes.

10 Q -- since 2002?

11 A Yes.

12 Q At least as early as then?

13 A Yes.

14 Q You described a police bar and shield  
15 logo.

16 A Yes.

17 Q Can you identify what products that  
18 version of the bar and shield logo has been used  
19 with?

20 A Very famous logo that has been used on  
21 everything, again, from apparel, like T-shirts,  
22 caps, sweatshirts. It's a very famous pin that's

1 highly sought after by police across the country,  
2 whether they ride a motorcycle or not. It takes the  
3 form of an actual police badge. So it's very  
4 collectible. It's been used as a tank medallion on  
5 police -- police edition motorcycles.

6 Q What's the earliest date of first use of  
7 the police version?

8 A 1992.

9 Q Was it also used in 1987 for belt buckles?

10 A I think it predates 1992, actually, yes.

11 Q And it's been in continuous use since at  
12 least '87 for these products; is that right?

13 A Yes.

14 Q And can you describe the firefighter bar  
15 and shield logo?

16 A Firefighter bar and shield logo is -- it  
17 takes the standard bar and shield logo with the  
18 eagle sitting on top with its wings folded down and  
19 incorporates it into a firefighter -- a common  
20 firefighter identifier that says the word  
21 "Firefighter" at the bottom.

22 Q And you're familiar with the use of this

1 firefighter version of the bar and shield logo in  
2 commerce for products?

3 A Yes, I am.

4 Q What products have this mark been used in  
5 connection with?

6 A It's been used for pins, T-shirts, hats,  
7 caps, jackets, belt buckles again. It's highly  
8 sought after, very similar to the police logo in  
9 that the association, the firefighters, like a lot.  
10 I have actually seen it incorporated into tank  
11 badging.

12 Q What do you mean by tank badging?

13 A On the gas tank of the actual product,  
14 I've actually seen it painted and used as an  
15 identifier of a motorcycle style. We do firefighter  
16 editions, so paint them bright red and they'll put  
17 this logo on it.

18 Q When is the earliest you have seen it  
19 painted on the tank?

20 A I've seen it as early as 2002.

21 Q And has it been continuously used for  
22 tanks, motorcycle tanks?

1           A     Yes.

2           Q     Has it been in continuous use for the  
3     other items you listed -- belt buckles, clothing,  
4     ornamental pins -- since 2002?

5           A     Yes.

6           Q     So we talked about a number of different  
7     versions of the bar and shield logo, but the actual  
8     bar and shield portion has been consistently used  
9     throughout these different marks; is that right?

10          A     It's been very consistently used by the  
11     company. It's been very consistently endorsed by  
12     the marketplace. It's not uncommon to see a bar and  
13     shield tattooed on, you know, many of our customers.  
14     It may be one of the most popular tattoos.

15          Q     Does the company ever use one or more of  
16     these marks together on packaging?

17          A     Well, all motorcycle packaging has a wide  
18     variety of bar and shield logos, from the blank one  
19     to the blank one with, you know, just the outline of  
20     the bar and shield to, you know, reinforce the  
21     shape, to the more elongated version.

22          Q     And are you aware of dealers using these



1 different versions of the bar and shield logo in the  
2 same stores on signage, for example?

3 A Yes.

4 Q So is it fair and accurate to say that  
5 consumers are exposed to these different versions of  
6 the bar and shield logo together in one place?

7 A Oh, yes. It's very common.

8 Q And consumers recognize these as a group  
9 or family of marks; is that accurate?

10 A Yes.

11 Q Are you familiar with the trademark  
12 enforcement efforts of the company?

13 A Yes.

14 Q Can you describe what steps the company  
15 takes to enforce rights in its brand?

16 A There's a variety of things that the  
17 company does. It starts by publishing a very  
18 thorough and robust brand identity guidelines. It  
19 takes measures to educate its employees, employees  
20 of the company, on the value of the trademarks and  
21 the need to protect them. We hire independent  
22 enforcement agencies to -- to help us identify areas

1 or people misusing or infringing on the use of our  
2 logos. We send --

3 Q Does the --

4 A We send -- you know, we send about 2,000,  
5 3,000 employees annually to events, and when they go  
6 to the events they are instructed to take notice of  
7 logos that may not be used appropriately.

8 Q Does the company also have an in-house  
9 group that --

10 A Yes.

11 Q -- handles trademarks?

12 A There's an in-house group at H-D Michigan  
13 that handles not only registration but also works  
14 with an in-house group that handles enforcement of  
15 trademark guidelines and usage.

16 Q And does the company ever engage outside  
17 law firms to assist them --

18 A Yes.

19 Q -- in enforcing the trademark rights?

20 A Yes.

21 Q Has the company taken legal steps to  
22 enforce their rights on different trademarks?

1           A     Yes.

2           Q     Including the Harley-Davidson brand?

3           A     Including the Harley-Davidson brand, its  
4     bar and shield marks. The word Harley is a  
5     trademark.

6           Q     Has the company sent cease and desist  
7     letters to those who they believe are unauthorized  
8     user of the Harley-Davidson brand?

9           A     Yes.

10          Q     And the bar and shield logo, as well?

11          A     Yes. I might add, we try to do it in a  
12     respectful manner.

13                     (Beck Exhibit 7 was marked.)

14     BY MS. McLEOD:

15          Q     I'm handing you what's marked Exhibit 7.  
16     Do you recognize this document?

17          A     Yes.

18          Q     What is it?

19          A     It's the guidelines for Harley-Davidson  
20     trademark enforcement. It spells out all of our --  
21     it shows many of our trademarks, not all of them,  
22     but the ones that are widely recognized. And it --

1 everything from the words Harley-Davidson to the  
2 word Harley to HD, to H-D, to MotorClothes.

3 Q Is this document prepared by the company  
4 as part of its ordinary course of business?

5 A Yes.

6 Q And is it retained in the company records  
7 as a business document?

8 A Yes, it is.

9 Q Who does the company distribute this guide  
10 to?

11 A Well, we distribute it to employees,  
12 people who attend shows that I talked about earlier  
13 and who are encouraged to keep an eye out for  
14 infringement, and it is distributed to Customs  
15 Enforcement. It is distributed to dealers, because  
16 a lot of dealers have a lot of suppliers at events  
17 and stuff selling Harley-Davidson gear.

18 Q And do dealers alert the company if they  
19 believe that there is an unauthorized use of one of  
20 the Harley-Davidson brands?

21 A Yes, and they are encouraged to do so.

22 Q On the fourth page of this document it

1 lists principal trademarks. Does that include many  
2 of the bar and shield logos we talked about today?

3 A It does.

4 Q Does it include the blank bar and shield  
5 as well?

6 A Blank bar and shield, the bar and shield  
7 with Motorcycles in it, the up-swept wing of the  
8 eagle and the MotorClothes logo. There's another  
9 example of the blank bar and shield used in the  
10 Screamin' Eagle logo, just in outline form.

11 (Beck Exhibit 8 was marked.)

12 BY MS. McLEOD:

13 Q I'm handing you what's marked Exhibit  
14 Number 8. Do you recognize this document?

15 A Yes.

16 Q What is this document?

17 A It's what we commonly refer to as the  
18 Brand Identity Guidelines. It's Brand Identity and  
19 Trademark Guidelines, so it explains how to use our  
20 logos, the appropriate execution of a logo.

21 Q Is this document prepared by the company  
22 as part of its ordinary course of business?

1           A     Yes.

2           Q     Is it retained in company records as a  
3 business document?

4           A     Yes.

5           Q     Who does the company distribute these  
6 guidelines to?

7           A     We distribute these guidelines to our  
8 dealers, to our suppliers who work with us in  
9 developing communications and artwork for external  
10 use. We send it to all of our licensees, who are  
11 encouraged to make sure that they use the bar and  
12 shield in the correct manner and only in a correct  
13 manner.

14                     We explain what is right, we explain what  
15 is wrong in thorough detail, and how the product can  
16 be used -- I mean how the logo and the trademarks  
17 can be used in execution of all material.

18           Q     So this covers all the various  
19 Harley-Davidson logos, including the different bar  
20 and shield logos; is that right?

21           A     Yes. It very clearly spells out in detail  
22 the fact that you can't alter -- you can't alter the

1 words in the bar and shield, you know, you can't put  
2 your own words in the bar and shield. It spells it  
3 out very clearly. And that's made very clear to all  
4 of our licensees and all of the people that this  
5 piece of communication -- that work with this piece  
6 of communication.

7 Q Okay.

8 A As a matter of fact, I wrote -- I worked  
9 on writing one of the first one of these in 1988, so  
10 it's been in use since then.

11 Q And you're referring to the guidelines?

12 A Yes.

13 Q You testified earlier about  
14 Harley-Davidson dealers. Are you familiar with the  
15 dealerships that sell Harley-Davidson products?

16 A Very.

17 Q How many dealers are there for  
18 Harley-Davidson?

19 A There's -- in the United States we have  
20 about 650 dealers. It varies up and down almost  
21 daily because there's dealers coming in and out of  
22 the network, but 650 is the number that we use.

1 Q And those dealers sell motorcycles?

2 A Those are primary retail locations. They  
3 sell motorcycles, branded apparel, parts,  
4 accessories. They're required to service the  
5 motorcycles. They sell licensed product. They sell  
6 all forms of collectibles, all forms of jewelry, all  
7 forms of toys and licensed products throughout.

8 Q And those would be products bearing the  
9 Harley-Davidson brand as well as the bar and shield  
10 logos we talked about?

11 A Yes.

12 Q And do they use those marks under a  
13 license from the company?

14 A Yes.

15 Q And do many of the dealers have a clothing  
16 store within them?

17 A Well, all of the dealers, in addition to  
18 selling motorcycles, and the motorcycles will be a  
19 big part of the show floor, there's -- I would say  
20 in most dealerships there's an equally large section  
21 of the dealership that sells branded apparel bearing  
22 the Harley-Davidson trademarks, the bar and shield



1 logo, in the dealership, so everything from T-shirts  
2 to leathers to rain suits to head gear.

3 Q And the dealers also sell parts and  
4 accessories --

5 A Yes.

6 Q -- bearing the Harley-Davidson mark?

7 A Yes.

8 Q And the bar and shield logo?

9 A Yes.

10 (Beck Exhibit 9 was marked.)

11 BY MS. McLEOD:

12 Q I'm handing you what's been marked Exhibit  
13 9. Do you recognize this document?

14 A Yes.

15 Q What is it?

16 A It is a list of all of the dealerships in  
17 the United States, currently active.

18 Q Is this document prepared by the company  
19 in the ordinary course of business?

20 A Yes, it is.

21 Q Does the company maintain this as a  
22 business record?

1 A Yes.

2 Q Of the 650 dealerships, are these mostly  
3 nationwide?

4 A We have a presence in every -- we have at  
5 least one presence in every DMA in the country, and  
6 most DMAs we have multiple.

7 Q What's a DMA?

8 A Dominant Marketing Area, which is a way  
9 that they divide up the company based on media.

10 Q What geographic areas would those cover?

11 A Every, so every geographic area in the  
12 country is -- is covered in a DMA. And it's not  
13 uncommon to have five, six stores in a DMA or 15 to  
14 20 in large metro DMAs.

15 Q Within those DMAs, how does -- how do the  
16 dealers choose where to open a location?

17 A Generally high traffic areas. They want  
18 high visibility to highways, interstates, retail --  
19 high areas of retail traffic.

20 Q And --

21 A So they're looking for everything from,  
22 you know, high mobile traffic to foot traffic. They

1    have secondary retail -- many dealers have secondary  
2    retail locations where they -- the secondary retail  
3    location does not offer service of motorcycles but  
4    they will sell either motorcycles or apparel or gear  
5    due to the high retail traffic in the area. There's  
6    also -- let's see, that was SRLs.

7                   There's SROs, which are Seasonal Retail  
8    Outlets. So you will see, if you go to a mall  
9    during the holiday season, you'll see a small kiosk  
10   that is selling branded apparel, jewelry,  
11   collectibles, things that are typically sold during  
12   gift-giving times of the year.

13           Q     Approximately how many SRLs are there?

14           A     SRLs, there's over a hundred.

15           Q     Are there any other nontraditional outlets  
16   like that for Harley-Davidson products?

17           A     There's SRLs, there's SROs, and there's  
18   AROs.

19           Q     Let's take them one at a time. We talked  
20   with SRLs --

21           A     Okay.

22           Q     -- right, secondary?

1           A     Yes.

2           Q     What's an ARO?

3           A     An ARO is an area that just -- that does  
4     not sell motorcycles or offer service or parts,  
5     sales. They just sell --

6           Q     What do they sell?

7           A     They sell branded apparel, gifts,  
8     collectibles. Their primary target is the general  
9     public.

10          Q     And where would -- where would an ARO be  
11     located?

12          A     There's one just off of Michigan Avenue in  
13     Chicago. It's a great example of where you have a  
14     high level of foot traffic from the general public,  
15     you know, in a high shopping district area.

16          Q     So are they located in malls?

17          A     Malls, yes.

18          Q     Airports?

19          A     Airports.

20          Q     Popular vacation areas?

21          A     Yes.

22          Q     Approximately how many AROs are there?

1           A     I think about a hundred.

2           Q     And would those -- those are all  
3     Harley-Davidson branded products that are sold  
4     there?

5           A     Yes.

6           Q     And bar and shield logo products?

7           A     Oh, yeah.

8           Q     And clothing?

9           A     Clothing. Virtually all the clothing  
10    carries a bar and shield logo on it, so...or a  
11    Harley-Davidson trademark. That's why people buy  
12    it.

13          Q     And then you mentioned SRO. What is an  
14    SRO?

15          A     SRO is a Seasonal Retail Outlet. Like I  
16    said, that's a -- it's not a -- it's a temporary  
17    store. It's not permanent. So it will come in and  
18    you will see those in, like I said, in malls during  
19    the holiday season where you'll -- there will be  
20    kiosks in the middle of the mall where they're  
21    selling a lot of times jewelry, you know,  
22    collectible items, lower price point items that are

1 given as gifts.

2 Q How long has the company offered  
3 Harley-Davidson branded product through these  
4 nontraditional outlets like SROs and AROs?

5 A I would say since the....

6 Q Since at least as early as the time you  
7 joined Carmichael Lynch?

8 A Yes.

9 Q Mid '80s, maybe longer?

10 A I would say yes. I know secondary retail  
11 locations have been there since before I joined  
12 Carmichael Lynch. AROs and SROs are a relatively  
13 new phenomenon, you know, as late as late 1990s.

14 Q And they've been in continuous --

15 A Yes.

16 Q -- operation since then?

17 A Yes. Gaining in popularity.

18 (Beck Exhibit 10 was marked.)

19 BY MS. McLEOD:

20 Q I'm handing you what's marked Exhibit 10.

21 A Yep.

22 Q Can you take a minute and look through

1       this exhibit.

2           A       Yep.   (Reviewing Beck Exhibit 10.)   Okay.

3           Q       Do you recognize this document?

4           A       Yes, I do.

5           Q       What is it?

6           A       It's a document that shows exterior and  
7       interior signage and use of the Harley-Davidson bar  
8       and shield logos as well as other Harley-Davidson  
9       trademark -- trademarks.

10          Q       This is dealer signage?

11          A       Dealer signage.

12          Q       Does the company retain photos of dealer  
13       signage in its company records?

14          A       Yes.   We have a division called the Retail  
15       Environment Group that is about 12 to 15 people that  
16       reside at Harley-Davidson Motor Company that work  
17       exclusively on developing and using the  
18       Harley-Davidson branded trademarks to help dealers  
19       identify their stores, internally and externally.

20          Q       So the company maintains photos, these  
21       photos of store images as part of its business  
22       records?

1           A     Absolutely.

2           Q     And they rely on these photos in  
3     conducting their ordinary business?

4           A     Every day.

5           Q     So are the photographs of the  
6     Harley-Davidson sign shown here a fair and accurate  
7     representation of dealer store signs --

8           A     Yes.

9           Q     -- in the marketplace?

10          A     Yes.

11          Q     And have you seen retail locations that  
12     display signs like this in the marketplace?

13          A     Virtually every retail location in the  
14     country displays signage similar to this  
15     incorporating the bar and shield and the words  
16     Harley-Davidson on the exterior.

17          Q     So looking at the first page, A.D. Farrow,  
18     are you familiar with that dealership?

19          A     Yes, I am. It's in Columbus, Ohio. It's  
20     one of the oldest dealerships in the country.

21          Q     And what Harley-Davidson logos are shown  
22     there?



1           A       The Harley-Davidson bar and shield is  
2       shown a number of times. It's shown in the A.D.  
3       Farrow location itself, in their logo. If you look  
4       at that, you'll see it in there. It's also shown  
5       independently on the right. Harley-Davidson, the  
6       trademark, is also shown on the exterior of the  
7       building.

8                   And A.D. Farrow also has another location  
9       that has the water tower replica. That actual water  
10      tower replica is a replica of the water tower at  
11      headquarters in Juneau, with the bar and shield on  
12      it.

13           Q       Do these dealers also use the blank bar  
14      and shield sign within the stores?

15           A       Prominently, and it's very much of a  
16      fixture in the style of the dealership. This  
17      dealership interior on the second picture here is a  
18      pretty good representation of how it's used. It  
19      will be used in terms of on pillars --

20           Q       Are you talking about -- is this the Elk  
21      River, Minnesota, dealer?

22           A       Yes, I believe so.

1 Q And you're pointing to page --

2 A Yes.

3 Q -- page 2, the photo of the Elk River  
4 dealership?

5 A Correct.

6 Q And what is shown there?

7 A As you enter the store, you see -- you  
8 will see images of -- you know, you'll see the  
9 motorcycles, obviously, but up on, you know, as  
10 decorative items across the entire back of the store  
11 you see these bar and shield, these blank bar and  
12 shield logos engrained as part of the identity in  
13 the retail environment to communicate and reinforce  
14 that you're in a Harley-Davidson dealership. It's a  
15 great example of what you typically see. And the  
16 Retail Environment Group has a -- offers this kind  
17 of product to all of our dealers for sale and usage  
18 in their dealerships.

19 Q So the Retail Environment Group offers --  
20 prepares the signage --

21 A Yes.

22 Q -- examples for the dealers to use?

1           A     Yeah. They design -- they design all of  
2     the stores incorporating all of the trademarks that,  
3     you know, are highly recognizable. Those are put  
4     into the retail environment fixtures and then the  
5     fixtures are made available to the dealers for  
6     purchase.

7                     In many cases they're required to purchase  
8     certain fixtures and all of those fixtures have  
9     those trademarks on them. So it's safe to say you  
10    cannot go into a Harley-Davidson dealership without  
11    seeing a fixture anywhere in the store that doesn't  
12    have a Harley-Davidson trademark, bar and shield or  
13    name on it, because they're required to as part of  
14    the licensing, license.

15           Q     In your positions with the company, have  
16    you become familiar with the different types of  
17    advertising used to promote Harley-Davidson branded  
18    products and services?

19           A     Very.

20           Q     Are you also familiar with the dealer  
21    advertising?

22           A     Very.

1           Q     That would be advertising bearing the  
2     Harley-Davidson brand?

3           A     Yes.

4           Q     As well as the bar and shield logo?

5           A     Yes. It's produced in my area. I oversee  
6     the production of all the material.

7                     (Discussion off the record.)

8                     (Beck Exhibits 11 and 12 were marked.)

9     BY MS. McLEOD:

10           Q     So I'm handing you what's been marked  
11     Exhibits 11 and 12. Do you recognize these  
12     exhibits?

13           A     Yes.

14           Q     What are they?

15           A     They are copies of CD-ROMs or DVDs that we  
16     would send out to dealers for their marketing  
17     purposes.

18           Q     And what years are covered here?

19           A     2003-2004. They're called dealer ad  
20     planners.

21                     REDACTED

22

REDACTED

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1

2           Q     Is that amount above and beyond what  
3     Harley-Davidson itself spends on advertising?

4           A     Yes.

5           Q     And so with respect to the DVDs that are  
6     attached here, is that your signature on the DVDs?

7           A     Yes.

8           Q     So did you recently review the DVDs?

9           A     I have viewed -- reviewed both of these.

10          Q     And is the material shown in the DVD a  
11     true and accurate reflection of what was given to  
12     the dealers?

13          A     Yes.

14          Q     What date did you review the DVDs?

15          A     June 11th, 2008.

16          Q     And what's attached to the DVDs? Is that  
17     the cover?

18          A     That's the cover of the package that shows  
19     how the DVD went out to the dealers.

20          Q     And this is 2003 and 2004. Has the  
21     company distributed similar dealer ad planners over  
22     the years?

1           A     Yes, for as long as I can ever remember,  
2     and I'm sure before my time, they were distributing  
3     ad planner materials that helped dealers market  
4     their retail locations and our products and  
5     protected our brand and used our brand accurately.

6           Q     Was the company doing this in the '80s  
7     when you were with Carmichael Lynch?

8           A     Yes. We weren't doing it in DVD format.  
9     And these actually just -- these were actually sent  
10    out as CD-ROMs. These are DVDs, but....

11          Q     And the material on here, could you again  
12    summarize what types of advertisements are provided  
13    to the dealers?

14          A     We enable the dealers to build their own  
15    ads, or advertising materials. It's usually either  
16    a print ad, postcard, direct mail, sales flier,  
17    billboard template, classified ads. We use  
18    templates that have been approved through H-D  
19    Michigan, Inc., for the appropriate use of our  
20    trademarks, our bar and shields, so we know that  
21    they are using material that is protected.

22                   We also provide an image library of

1 motorcycles, MotorClothes merchandise, genuine  
2 motorcycle parts and accessories, as well as  
3 archival images and logos.

4 Q This would include the bar and shield  
5 logo?

6 A The bar and shield logo, the MotorClothes  
7 logo, the genuine parts and accessories logos.

8 Q And the words Harley-Davidson, as well?

9 A Harley-Davidson, Harley, HOG, all of our  
10 protected trademarks.

11 Q Does this include television advertising?

12 A It includes television advertising,  
13 pre-produced radio spots, pre-produced television  
14 spots.

15 Q Have you actually seen some of these  
16 dealers' ads placed in the marketplace?

17

18

19 REDACTED

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22 MS. McLEOD: Can we go off the record here

1 for a minute.

2 (Discussion off the record.)

3 BY MS. McLEOD:

4 Q We discussed dealer advertising. Are you  
5 familiar with the company's advertising and  
6 promotion of Harley branded products?

7 A Very.

8 Q Can you describe in general the different  
9 types of media the company has used to advertise and  
10 promote Harley-Davidson branded products?

11 A Print advertising, television advertising,  
12 radio advertising, out-of-home advertising, direct  
13 marketing to customers, catalogs, fliers, bus sides,  
14 electronic web advertising, our own website. That  
15 about covers it.

16 Q Are these national distributed ads?

17 A All of these in some form or another would  
18 be used to distribute -- or, yeah, used as national  
19 media or national advertising.

20 Q Are you familiar with the media plans or  
21 schedules for Harley-Davidson advertising?

22 A Yes.



1 (Beck Exhibit 13 was marked.)

2 BY MS. McLEOD:

3 Q I'm handing you what's been marked Exhibit  
4 13.

5 A Okay.

6 Q Do you recognize these documents?

7 A Yes. These are media flowcharts, what we  
8 refer to as flowcharts. They are a record of our  
9 media plans for national advertising for a year, and  
10 they cover advertising for motorcycle products,  
11 parts and accessories products, and MotorClothes  
12 products.

13 Q And are these documents prepared for the  
14 company as part of its ordinary course of business?

15 A Yes, they are.

16 Q And does the company maintain these media  
17 plans as business records?

18 A Yes.

19 Q So what years do we have covered in this  
20 exhibit?

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So these are magazines that reach a larger portion of the general population with a similar interest to motorcycles but they're not just focused on motorcycles. There's automotive, NASCAR, military type of books in there.

**Q Car & Driver?**

**A      Yeah.**

Q MotorTrend?

A Car & Driver, MotorTrend, NASCAR

Illustrated.

Q Road & Track?

A Right.

Q Does the company also advertise through  
 general interest publications? For example, Rolling  
 Stone?

A Rolling Stone, Sports Illustrated, ESPN  
 Line, Maxim magazine, Playboy magazine; broad  
 , high reach, general interest, general public  
 lines.

Q Does the company also advertise through  
papers?

1           A     Newspaper, USA Today, Wall Street Journal,  
2     New York Times.

3           Q     How long has the company advertised in  
4     this type of print media for Harley-Davidson branded  
5     products?

6           A     Since well before my employment at  
7     Carmichael Lynch.

8           Q     And these would also bear -- these ads  
9     would also bear the bar and shield logo?

10          A     Every ad that we would ever run would bear  
11     not only the bar and shield logo but the marks  
12     Harley-Davidson and most likely the mark Harley, as  
13     well.

14          Q     Looking --

15          A     But for sure the bar and shield.

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17           Q     So can you describe the classic consumers  
18     for Harley-Davidson products?

19           A     It's a very broad class of consumers.  
20     We're generally going after pretty much anyone with  
21     an inclination to, or the means, you know, financial  
22     means to purchase either a motorcycle, a part -- you



1 know, a motorcycle or apparel. So it ranges from  
2 sub 35, young adults, male and female, to core  
3 Harley-Davidson owners.

4 Q So for motorcycles it's fair to say it's  
5 general public --

6 A 18 plus.

7 Q -- 18 and over?

8 A Yeah. Actually, I've said -- I've ranged  
9 that target down. You can get a motorcycle license  
10 at the age of 16, so I said from 16 on up you're in  
11 our target range.

12 Q But for the MotorClothes and accessories,  
13 it's the general public at large --

14 A Correct.

15 Q -- is that fair and accurate?

16 A Yes. Everything from -- like I said, we  
17 talked about all the categories earlier. You know,  
18 we're looking to target, you know, people as general  
19 as dog owners, you know, because they'll -- we sell  
20 products that carry the bar and shield logo for dog  
21 owners.

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Q So has the company advertised

11

Harley-Davidson branded products in general public  
circulation magazines such as Men's Journal?

12

13

A Men's Journal. Like I said, Mens Journal,  
Sports Illustrated, ESPN magazine.

14

15

Q Looking at, for example, the 2007 --

16

A Women's Health, Shape.

17

18

Q -- can you read the list of magazines that  
have run Harley-Davidson ads in '07?

19

20

21

22

A Men's Fitness, Men's Journal, Shape,  
Women's Health, Blender, Entertainment Weekly,  
Giant, Rolling Stone, Vibe, DUB, Car & Driver, Fast  
Company, Field & Stream, Hot Rod, MotorTrend,

1 Popular Mechanics, Popular Science, Road & Track,  
2 King, 4-Wheel ATV Action, Dirt Bike, Dirt Wheels,  
3 Motocross Action, Transworld Motocross --

4 Q Has the company also --

5 A ESPN, Sports Illustrated.

6 Q Sorry. Has the company also advertised in  
7 magazines targeting women?

8 A Yeah. That's interesting because as I was  
9 reading this list down, there's women,  
10 African-American, Hispanic, music lovers, automotive  
11 lovers, athletic, people who exercise, lovers.

12 Q Do you know that the advertisements  
13 covered by these media plans actually ran?

14 A Yes. They better have or I would probably  
15 not have a job.

16 Q You've seen, though, actual print copies  
17 of the ads as they've run before?

18 A We check every publication to make sure  
19 that we -- that our ads have run and that nothing  
20 has deviated from the way we intended the ad to run;  
21 and if it has, we will insist that we get a  
22 made-good by the publications.

1           Q     And you mean by make-good, that they'll  
2     run an ad in the correct fashion?

3           A     They'll run an ad again, yes.

4           Q     Can you describe the company's television  
5     advertisements?

6           A     We run advertising on national network  
7     television, syndicated television, cable television.  
8     We run television advertising on pay-per-view  
9     broadcast. So virtually every means of broadcast  
10    advertising that exists we have ran advertising on.

11                We typically run 30-second commercials.  
12    It's safe to say that virtually every one of our  
13    commercials features the bar and shield logo because  
14    it is the primary identifier for the brand, and it's  
15    virtually -- it's safe to say that every one also  
16    uses the trademark Harley-Davidson.

17                We have most recently ran TV advertising  
18    in UFC broadcasts, which reach about between 500,000  
19    and 750,000 homes. More importantly, that can be  
20    anywhere from 6 to 7 million eyeballs.

21                We run on NASCAR broadcasts, on ABC, on  
22    ESPN. We've run on March Madness, during basketball

1 season, heavy schedules that will generate anywhere  
2 from 2 to 5 million viewers per event and show. And  
3 we'll typically run a schedule of at least two to  
4 three spots in those -- in those vehicles -- or  
5 those media.

6 Q How long has the company had television  
7 advertising for Harley-Davidson branded products?

8 A Since the late '80s, that I'm aware of.

9 Q And has the company fairly continuously  
10 had television ads?

11 A Yes, since the late '80s.

12 Q And revisiting the prints ads, are those  
13 typically full-page advertisements?

14 A They range in either full page or what we  
15 call spread ads or they are two pages. We tend to  
16 run double, two-page ads, in all of the media that  
17 you see here on these flowcharts. We try to have at  
18 least 75 percent of our media plan show ads that are  
19 at least two pages. We try not to just do single  
20 page ads. We want to break through the clutter and  
21 make sure people are seeing our message.

22 (Discussion off the record.)

1 BY MS. McLEOD:

2 Q Does the company advertise through radio  
3 commercials?

4 A Yes, national broadcast radio as well as  
5 syndicated and satellite radio. We've run heavy  
6 schedules on NFL play-off games, specifically the  
7 Packers last year.

8 Q And those advertisements would bear the  
9 Harley-Davidson mark?

10 A You would hear that the advertisement is  
11 brought to you by Harley-Davidson motorcycles.

12 Q Is the word Harley alone also used  
13 sometimes?

14 A Yes, yes.

15 Q What types of products and services are  
16 typically sold through the radio ads?

17 A Predominantly it's -- we're trying to  
18 drive traffic to the dealerships, so we're selling  
19 everything. We primarily are -- you know, in the  
20 radio advertisements we're primarily trying to get  
21 the customer to go to the dealership to buy either a  
22 motorcycle, a T-shirt, you know, a collectible or

1 some other product that we're selling.

2 Q Is that true with the television  
3 advertising, as well?

4 A Yes. They will often feature motorcycles,  
5 but even when they feature motorcycles, the riders  
6 are wearing our gear, you know, head wear, boots,  
7 and all of that is Harley-Davidson branded material,  
8 product.

9 Q Does the company operate any Internet  
10 websites?

11 A We have our own website,  
12 Harley-Davidson.com. We advertise heavily on the  
13 Internet through search engine marketing, Web banner  
14 placement on very broad high-reach mediums. We have  
15 a presence on social media, such as Facebook and  
16 MySpace, so we advertise heavily on the web.

17 Q How long has the company had a website of  
18 its own?

19 A Since the early '90s.

20 Q And the Harley-Davidson and bar and shield  
21 logos are displayed on the site?

22 A You can't navigate to a place on the



1 Harley-Davidson website without seeing the bar and  
2 shield or the Harley-Davidson trademark.

3 Q And the Harley-Davidson website displays  
4 both motorcycles and motor accessories, everything?

5 A It displays motorcycles. There's a  
6 section on there where you can actually customize  
7 your bike with parts and accessories, so you can  
8 actually look at a whole host of Harley-Davidson  
9 decorative accessories and actually build your own  
10 motorcycle with customized parts and accessories  
11 that use the marks and reinforce the marks. You can  
12 actually purchase apparel bearing the trademarks and  
13 the logos on the website.

14 Q Do you know how many visitors to the  
15 website annually?

16 A We do anywhere between 500,000 visitors  
17 and a million visitors a month. So in the down  
18 season it might be closer to 500,000, that's the  
19 genuine minimum, then we'll also see visits up to a  
20 million to over a million a month. So anywhere  
21 from -- you know, I think the total annual minimum  
22 is 5 million, more realistic estimate would be in

1 the neighborhood of 7 to 10 million.

2 Q Do the dealers also have their own  
3 websites?

4 A Yes. I can't tell you the exact number,  
5 but I know through Power Sports Network we have  
6 about 175 -- that's just one supplier -- we have  
7 about 175 dealers that work just with that supplier  
8 to do their own website.

9 So out of the 650 dealers, it's probably  
10 very safe to say that 600 of them have a very active  
11 website. They're very aggressive now.

12 Q And those would also display motorcycles  
13 bearing the mark Harley-Davidson and logo?

14 A Yeah. Most of them display the exterior  
15 of their dealership prominently on their pages.  
16 That's what they're primarily showing. And as we  
17 saw earlier, all of that identity is reflected in  
18 those images, so you would see bar and shield logos  
19 and trademarks on all of that.

20 Q And do some of the dealers advertise  
21 clothing, Harley-Davidson branded clothing through  
22 their websites?

1           A     Most of the dealers are advertising  
2     clothing through their websites.  It's a big part of  
3     the business of attracting the general marketplace  
4     and interest to their -- to their dealership.

5                     (Beck Exhibit 14 was marked.)

6     BY MS. McLEOD:

7           Q     I'm handing you what's been marked Exhibit  
8     14.  Do you recognize this document?

9           A     Yes.  It's a book called, "The Hundred  
10    Years of Harley-Davidson Advertising."  And it shows  
11    Harley ads through the decades from 1900 to 2003.

12          Q     Are the images shown in this book true and  
13    accurate representations of the ads as they actually  
14    ran?

15          A     Well, they're black and white copies  
16    because all of the ads mostly ran in full color.

17          Q     Are they true and accurate black and white  
18    photocopies of the ads as they actually ran?

19          A     Yes.

20          Q     And the Harley-Davidson mark appears in  
21    these ads?

22          A     Yes, virtually every one --

1 Q Does the company keep archives --

2 A -- through the last hundred years.

3 Q Does the company keep archives of its  
4 advertisements?

5 A Yes.

6 Q And is it from those archives that these  
7 images were obtained?

8 A Yes.

9 Q Does the company maintain those archives  
10 as part of its ordinary course of business?

11 A Yes.

12 Q And they rely on the archives'  
13 advertisements as business documents?

14 A Oh, yes.

15 Q What year did this book come out?

16 A 200' -- I believe it was published in  
17 2002.

18 Q And it was made available to the general  
19 public?

20 A It was made available to the general  
21 public as part of the celebration of the hundredth  
22 anniversary of Harley-Davidson, and it was published

1 due to the great interest in looking at the history  
2 of the brand just through the commercial  
3 representation of the brand.

4 Q So looking at the image on page 44, for  
5 example, can you describe what's shown on this page?

6 A It's an image of what looks to be like a  
7 couple riding on what probably is a late model '30  
8 Harley-Davidson wearing hats and sweaters with the  
9 Harley-Davidson bar and shield logo on it, and  
10 they're superimposed over an image from World War  
11 II --

12 Q So this --

13 A I mean World War I, where Harley-Davidsons  
14 were used in World War I.

15 Q This ad ran in the 1930s; is that right?

16 A Yes.

17 Q So this has Harley-Davidson clothing  
18 bearing the bar and shield logo?

19 A Yes.

20 Q And as part of your position in the  
21 advertising -- as Director of Advertising, do you  
22 frequently review these older advertisements?

1           A     Oh, yes. I use them a lot, for a lot of  
2     inspiration and reference.

3           Q     And turning to page 91.

4           A     Yes.

5           Q     Can you describe which advertisement is  
6     shown on this page?

7           A     This is -- I believe it's the cover of a  
8     brochure for the Police Division that shows an image  
9     of a -- the image of a Harley-Davidson police -- or  
10    of a police officer with a Harley-Davidson police  
11    badge on his helmet, and it says, "Police  
12    Motorcycles, Harley-Davidson, by the people for the  
13    people."

14          Q     And --

15          A     And here's a good example of how long that  
16    police logo has been in use because this was done in  
17    the very early '80s.

18          Q     And turning to page 90.

19          A     Like '82, I believe. Yep.

20          Q     Can you describe what's shown in this  
21    advertisement?

22          A     This was an ad that we ran in June of 1981

1 that commemorated the return of Harley-Davidson to  
2 private ownership from AMF. AMF had previously  
3 owned the company. And it shows an outlined bar and  
4 shield logo, a blank outlined bar and shield logo,  
5 and it says, "The eagle soars alone." And there is  
6 an eagle flying out there.

7 Q And that's the blank bar and shield logo  
8 we were talking about earlier?

9 A Correct. That ran again in 1981 and was  
10 actually used as an internal campaign as well as an  
11 external campaign. The internal campaign, turned it  
12 into a -- as I recall, they turned it into buttons  
13 where everyone in the company got one, that said, "I  
14 made the eagle soar." I like to reminisce. You  
15 didn't talk about the tattoo ad.

16 Q Is there an advertisement of a tattoo?

17 A Yeah.

18 Q What page is that shown?

19 A Remember the logo that we were talking  
20 about earlier with the Harley-Davidson bar and  
21 shield and the eagle and the upswept arms? On page  
22 98, there was a very, very famous ad that is

1     probably referenced in every marketing textbook in  
2     print, at least in the '90s and 2000 and beyond, and  
3     it shows a man with a tattoo on his right arm with  
4     the headline, "When was the last time you felt this  
5     strongly about anything?"

6           Q     And you've seen an actual copy of that ad  
7     as it ran?

8           A     Oh, yeah. I saw the actual tattoo on the  
9     guy. It was a police officer from Indianapolis.  
10    That image is commonly referred to in those  
11    marketing textbooks as the epitome of customer  
12    loyalty and identity with the brand.

13                   (Beck Exhibit 15 was marked.)

14   BY MS. McLEOD:

15           Q     I'm handing you what's marked as Exhibit  
16    15.

17           A     Okay.

18           Q     Do you recognize this exhibit?

19           A     Yes. This is a representation of  
20    advertising, magazine covers, examples of brochure  
21    covers, historical references of advertising, going  
22    back a long time.



1 Q Going back to --

2 A Looks like 19 --

3 Q -- as early as the 1930s?

4 A Yep.

5 Q And are these true and accurate  
6 representations of the ads as they actually ran?

7 A Yes.

8 Q And these contain the Harley-Davidson  
9 mark?

10 A Yep. Yes.

11 Q And many -- do many of them contain the  
12 bar and shield logo?

13 A Many contain the bar and shield logo, and  
14 it's safe to say that if they don't have the bar and  
15 shield logo they have the Harley-Davidson trademark.  
16 Virtually every one of them.

17 Q Does the company advertise and promote  
18 Harley-Davidson branded products through catalogs?

19 A Yes.

20 Q Are you familiar with the catalogs?

21 A Very.

22 Q How many different catalogs does the

1 company distribute? For example, categories? Parts  
2 and accessories catalogs?

3 A Yeah. I mean --

4 Q Motorcycle catalogs?

5 A We distribute new motorcycle catalogs,  
6 parts and accessories catalogs, MotorClothes  
7 catalogs, apparel catalogs, Harley Rider Services  
8 catalogs, Harley Owners Group membership materials,  
9 rentals materials, Rider's Edge materials, so the  
10 number is extensive, large.

11 MS. McLEOD: Can we take a short break.

12 (Recess at 11:37 a.m. to 12:02 p.m.)

13 (Beck Exhibits 16 through 22 were marked.)

14 BY MS. McLEOD:

15 Q Okay. I'm handing you what's been marked  
16 as Exhibits 16 through 22. Do you recognize these  
17 exhibits?

18 A Yes.

19 Q What are they?

20 A They are various catalogs that were used  
21 to market parts and accessories bearing the bar and  
22 shield logo in its various forms and trademarks in

1 its various forms.

2 Q By trademarks, you mean the  
3 Harley-Davidson trademark?

4 A Harley-Davidson, Harley, on accessories,  
5 all the accessories that we produce for motorcycles.

6 Q And these catalogs cover 2002 through  
7 2008?

8 A Yes.

9 Q So, for example, is the Harley-Davidson  
10 mark used on the cover of each of these catalogs?

11 A Yes.

12 Q And is the bar and shield logo also  
13 displayed on the cover of the catalogs?

14 A Yes.

15 Q And --

16 A As well as --

17 Q -- does the company prepare these catalogs  
18 as part of the ordinary course of business?

19 A Yes.

20 Q Does the company maintain these as part of  
21 their business records?

22 A Yes.

1 Q And the company relies on these catalogs  
2 in conducting its business day to day?

3 A Yes.

4 Q So turning, for example, to page -- of the  
5 2002 catalog, page 353.

6 A Okay.

7 Q Is that a true and accurate representation  
8 of parts and accessories bearing the blank bar and  
9 shield logo?

10 A Yes, it is.

11 Q And do those parts also have a  
12 Harley-Davidson mark on them?

13 A Yes, they do.

14 Q And turning to page 417.

15 A Okay.

16 Q Is that a true and accurate depiction of a

17 --

18 A Yes.

19 Q -- windshield that also bears the  
20 Harley-Davidson bar and shield logo?

21 A Yeah. It's a fairing.

22 Q Fairing, sorry.

1           A     Protector.

2           Q     And then again on page 485.

3           A     Yes.

4           Q     What's on that page?

5           A     All the Harley-Davidson marks. Shift  
6 linkages, predominantly displayed on the vehicle.  
7 In this case they're decorative. They have the  
8 blank bar and shield outline as well as the  
9 Harley-Davidson trademark.

10          Q     So is it accurate to say that numerous of  
11 these parts and accessories contain the blank bar  
12 and shield logo?

13          A     Very much so.

14          Q     And those logos are visible on the outside  
15 of the motorcycles?

16          A     Yeah, because those logos are there,  
17 that's the reason that the parts are sold, is  
18 because people want to display that logo in as big  
19 and as little -- you know, as little places that  
20 people can discover on a motorcycle.

21          Q     Within these catalogs, there are -- the  
22 different versions of the bar and shield logo are

1     also shown; is that right?

2             A     Yes.

3             Q     So they're shown together in a way that  
4     consumers are exposed to the different versions of  
5     the bar and shield logo at one time; is that right?

6             A     Yes.

7             Q     How many parts and accessories catalogs  
8     are distributed annually by the company?

9             A     Well, the print quantity on the book like  
10    this book that we're looking at is well over  
11    800,000.

12            Q     And is that annual or semiannual  
13    publication?

14            A     That's just on this one book.

15            Q     Just the one book?

16            A     Just on this one book. There's multiple  
17    books like this produced in a given year. So there  
18    will be a new category of products that we launch,  
19    there will be a new book distributed.

20            Q     Would that also be about 800,000?

21            A     Yes.

22            Q     So is it accurate to say there are several

1 million parts and accessories catalogs distributed  
2 each year?

3 A Yes.

4 Q Who are these parts and accessories  
5 catalogs distributed to?

6 A In many cases they're distributed direct  
7 to customers. They're also distributed through  
8 dealerships. They're also handed out at consumer  
9 shows. In some cases they're used as premium  
10 incentive items.

11 Q How long has --

12 A They're all readily available through  
13 dealerships and they're readily available through  
14 consumer shows. All the events we go to we hand  
15 them out freely and....

16 Q How long has the company put out the parts  
17 and accessories catalogs?

18 A In this form, since the mid '90s, but it's  
19 been producing parts and accessories catalogs for a  
20 lot longer than that.

21 Q All right.

22 (Discussion off the record.)

1 (Beck Exhibits 23 through 33 were marked.)

2 BY MS. McLEOD:

3 Q I'm handing you what's marked Exhibit 23  
4 through 33. Can you take a minute and look at this  
5 exhibit.

6 A Um-hum. Yep. I'm very familiar with  
7 these. (Reviewing exhibits.)

8 Q What are these documents?

9 A These are new model brochures that feature  
10 the new models for the year in which they appear.  
11 Looks like they start in '98 and go through model  
12 year 2008. Looks like ten years worth of catalogs.

13 Q So this is just a representative sample of  
14 the new motorcycle catalogs?

15 A Yes. We produce about -- the print run on  
16 these is somewhere in the neighborhood of 2 million  
17 annually, in various forms.

18 Q Who are these distributed to?

19 A These are distributed to consumers.  
20 They're distributed -- they are sent to dealers for  
21 distribution to customers. They're given out at  
22 trade shows. They're given out at general interest



1 consumer shows, they're given out at the more than  
2 probably 800 to a thousand events that we attend  
3 each year. They're the primary source of  
4 communication of all of the new model details for a  
5 given year.

6 They also will all contain the  
7 Harley-Davidson word mark and the bar and shield  
8 somewhere on either the front cover or the back  
9 cover, on every one of these.

10 Q And does the company prepare these  
11 catalogs as part of their ordinary course of  
12 business?

13 A Yes.

14 Q And do they retain copies of these --

15 A Yes.

16 Q -- as business records?

17 A Yes.

18 Q These new motorcycle catalogs are  
19 distributed to members of the general public?

20 A Yep, like I said, via all of the venues  
21 that we talked about. Additionally, if a customer  
22 calls in, you know, and wants more information on

1 Harley-Davidson, they'll get a copy of this catalog  
2 sent to them, so it's direct response fulfillment.

3 Q And the Harley-Davidson mark appears on  
4 the cover of the catalogs?

5 A Either on the cover, front, or back.

6 Q Is it also shown and printed on the  
7 motorcycles displayed in the catalog?

8 A Yeah. For example, in this one, the 2008,  
9 you can see it on -- you see the Harley-Davidson  
10 word mark on the cover, the inside first page you  
11 see it again, as well as on the gas tank of the  
12 vehicle. So within the first three pages you have  
13 already been hit with one, two, three visual marks,  
14 representations of the Harley-Davidson word mark or  
15 the brand, or the bar and shield logo. I'm sure  
16 also in the copy there's a mention of Harley as well  
17 on the first page. Let me see. (Reviewing  
18 exhibits.)

19 Q You've seen the word Harley by itself in  
20 copy text in these catalogs in the past?

21 A Oh, yeah. It's represented right here. I  
22 guess it's not within the first three pages. It

1 looks like it's the first five.

2 Q Okay.

3 (Beck Exhibit 34 was marked.)

4 BY MS. McLEOD:

5 Q I'm handing you what's been marked Exhibit  
6 34. It's a group exhibit. Do you recognize this  
7 exhibit?

8 A Yes, it's a Harley-Davidson MotorClothes  
9 catalog.

10 Q What products are represented in that  
11 catalog -- these catalogs?

12 A We do about six to seven different  
13 versions, depending on the year, of these catalogs,  
14 and in them are everything from riding gear to the  
15 apparel to head gear to patches to boots, rain gear,  
16 that we sell through our dealerships bearing the  
17 Harley-Davidson trademarks.

18 Q And these are a representative sample for  
19 2002 through 2008?

20 A Yes.

21 Q And --

22 A And distributed through Harley-Davidson

1 dealerships and again through consumer shows, trade  
2 shows.

3 Q How many a year are distributed?

4 A We direct mail between 800 and a million  
5 copies of each one of the catalogs annually to  
6 consumers who either request them or get them  
7 provided to them at shows.

8 Q And by shows, do you mean rallies and  
9 events?

10 A Rallies, events, consumer events, trade  
11 shows, general public events as well as motorcycle  
12 events.

13 Q And do these catalogs contain many of the  
14 different versions of the bar and shield logo within  
15 each of them?

16 A Yes.

17 Q So, for example, looking at the catalog  
18 for 2002 to 2003 --

19 A Yep.

20 Q -- can you describe what's shown on that  
21 page?

22 A A vest, leather chaps, and a leather

1 jacket, all --

2 Q Does that have --

3 A Go ahead.

4 Q -- two different bar and shield logos  
5 shown on it?

6 A Yes. It has the standard bar and shield  
7 as well as the MotorClothes logo discussed earlier.

8 Q So is it common for the clothing itself to  
9 have multiple versions of the bar and shield logo on  
10 it?

11 A Oh, yeah, yeah. This --

12 Q So consumers are exposed to this sort of  
13 family of bar and shield marks even on clothing?

14 A Yes. Yeah.

15 Q And that was on page --

16 A And that's just on the clothing. I mean,  
17 if --

18 Q What page was that, again?

19 A Page 32 of the 2002-2003 MotorClothes  
20 catalog.

21 (Discussion off the record.)

22 (Beck Exhibit 35 was marked.)

1 BY MS. McLEOD:

2 Q I'm handing you what's been marked Exhibit  
3 35. Do you recognize this group exhibit?

4 A Yes.

5 Q What is it?

6 A Looks like it's historical references of  
7 examples of accessories catalogs.

8 Q These are actually true and correct copies  
9 of the catalogs; is that right?

10 A Yes.

11 Q And these are catalogs from the company's  
12 archives?

13 A Yep.

14 Q The company retains these as business  
15 records in the ordinary course of business?

16 A Yes.

17 Q This has a mark on it, a water mark, "For  
18 research purposes only." Is that from the company?

19 A I'm sure it's from Harley-Davidson  
20 archives because....

21 Q So what years are covered by these  
22 catalogs?

1           A     Well, there's 1918 on one, bearing the bar  
2     and shield logo, Harley-Davidson trademark, 1927,  
3     demonstrating that we have used the Harley-Davidson  
4     trademark in accessories category that far back, as  
5     well as the bar and shield.

6           Q     And by accessories, do you mean parts and  
7     accessories?

8           A     Yes.

9           Q     And the cover of each of these catalogs  
10    contains the Harley-Davidson mark?

11          A     Yes.

12          Q     Do some of these catalogs also cover  
13    clothing bearing the Harley-Davidson mark?

14          A     Yeah. This is 1927. Goggles, head gear,  
15    belts.

16          Q     Emblems also bearing the Harley-Davidson  
17    bar and shield logo are shown in these catalogs?

18          A     Yes. Sweaters.

19          Q     And on the cover of the 1931 spring and  
20    summer catalog, that also shows the bar and shield  
21    logo; is that right?

22          A     Yes. \$3.

1 Q Turning to the 1931 catalog again.

2 A Okay.

3 Q Does this catalog also contain clothing  
4 and gloves bearing the Harley-Davidson marks?

5 A Yes.

6 Q And that's the bar and shield logo shown  
7 on jerseys, sports coats?

8 A Yep.

9 Q And this is just a representative sample  
10 of catalogs for the years covered; is that right?

11 A Yes.

12 Q There would have been additional catalogs  
13 put out?

14 A There would have been one put out every  
15 year, I'm sure. Yeah, '34, '37. This looks like  
16 the '40s, 1940.

17 (Beck Exhibit 36 was marked.)

18 BY MS. McLEOD:

19 Q I'm handing you what's been marked as  
20 Exhibit 36. Do you recognize these documents?

21 A Yep.

22 Q What are they?



1           A     More accessories catalogs.

2           Q     What years are covered?

3           A     Looks like the '50s to the '80s -- '50s to  
4     the '90s.

5           Q     And this is just a representative sample?

6           A     Yes.

7           Q     And these are similar to the earlier  
8     catalogs; is that right?

9           A     Yeah. They show parts and accessories  
10    with logo, bar and shield logos, as well as  
11    trademarks, and they also show MotorClothes, or  
12    clothing and apparel.

13          Q     And like the other documents, these  
14    catalogs have been maintained in the company records  
15    as business documents?

16          A     Yes.

17          Q     And the company continues to rely on these  
18    catalogs in conducting business today?

19          A     Yep.

20          Q     And these would have been distributed to  
21    the general public?

22          A     Yes.

1 (Discussion off the record.)

2 BY MS. McLEOD:

3 Q I'm going to hand you back Exhibit 35 for  
4 a minute. Do you know the date of this catalog?

5 A I believe it was 1918, wasn't it? 1914,  
6 sorry.

7 Q And turning the page, is there a clothing  
8 bearing the Harley-Davidson bar and shield logo  
9 shown in this 1914 catalog?

10 A Yes, there is. There's a sweater --

11 Q Does it also --

12 A -- that has a bar and shield logo on it  
13 and also a jersey that has the Harley-Davidson word  
14 mark on it, trademark on it.

15 (Beck Exhibit 37 was marked.)

16 BY MS. McLEOD:

17 Q I'm handing you what is marked as Exhibit  
18 37. Do you recognize it?

19 A Yes.

20 Q What is it?

21 A It's the 2008 Screamin' Eagle Road King  
22 brochure.

1           Q     Does the company put out brochures in  
2     addition to catalogs?

3           A     Yes.

4           Q     For motorcycles?

5           A     Yes. The brochure -- the common  
6     difference between the two is the catalog is  
7     featuring parts and accessories and apparel and  
8     heavy -- numerous products for sale; the brochure is  
9     featuring motorcycle products.

10          Q     For new motorcycles, for example, like  
11     this Screamin' Eagle Road King, how many brochures  
12     would be distributed?

13          A     Well, we only build about 2,500 -- these  
14     are limited edition motorcycles. We only build  
15     about 2,500 motorcycles but we distribute about  
16     between 20 and 30,000 copies of the brochure. As an  
17     example, the new model brochures that we talked  
18     about earlier, we're printing about 2 million copies  
19     of that and distributing that.

20          Q     So looking at this brochure, the  
21     Harley-Davidson mark is shown on the cover; is that  
22     right?

1 A Correct.

2 Q And then --

3 A Bar and shield logo on --

4 Q -- it also has the blank bar and shield  
5 logo shown in several places; is that right?

6 A Correct.

7 Q And that's actually placed on this  
8 motorcycle?

9 A Yes.

10 Q And then the last page, is that the  
11 motorcycles -- Harley-Davidson motorcycles bar and  
12 shield logo shown?

13 A Yes, it is.

14 Q So, again, this is an example in a  
15 brochure of multiple bar and shield logos used?

16 A Yes. Both on product as well as  
17 identifying the piece itself.

18 Q In addition to brochures, does the company  
19 utilize direct mail for advertising?

20 A Yes.

21 Q Can you describe some of the direct mail  
22 advertisements that would contain the

1 Harley-Davidson mark?

2 A Well, like I talked about before, the  
3 MotorClothes catalogs are direct mailed to  
4 customers, the parts and accessories catalogs are  
5 direct mailed to customers. The Enthusiast magazine  
6 is direct mailed to customers.

7 Q Are there any individual piece direct  
8 mails?

9 A Yes. We -- it's not uncommon to do  
10 multiple postcard mailings with offers to encourage  
11 people to come into stores, retail locations.

12 Q Does Harley-Davidson produce any  
13 magazines?

14 A Yes. They produce the Enthusiast  
15 magazine.

16 (Beck Exhibit 38 was marked.)

17 BY MS. McLEOD:

18 Q So I'm handing you what's been marked  
19 Exhibit 38. Do you recognize this exhibit?

20 A Yes.

21 Q What is it?

22 A It's the Enthusiast magazine. This was a

1 motorcycle [sic] exclusive to Harley-Davidson-only  
2 content, and it's been -- it was first published in  
3 1914 and probably today could be considered the  
4 oldest motorcycle magazine in existence.

5 Q What date did you say the first Enthusiast  
6 magazine came out?

7 A 1914.

8 Q And in this exhibit number 38 --

9 A So we've been publishing it at least twice  
10 a year, kind of depends on the year. During the  
11 depression era it wasn't published four times,  
12 but...oh, since 1916. Did I say '14?

13 Q Yeah, I think you're right, it's 1916. I  
14 see that printed here on the cover, actually, of the  
15 spring 2007 issue. So how many times a year is this  
16 published?

17 A For the last 10 to 15 years, it's been  
18 published four times a year. Prior to that I  
19 couldn't tell you for sure, but I know that it's  
20 been published each and every year.

21 Q And it contains the bar and shield logo on  
22 the front of the Enthusiast magazine; is that right?

1           A     Yes.

2           Q     And are Harley-Davidson branded products  
3     advertised in the Enthusiast?

4           A     Yes, Harley-Davidson branded products are  
5     advertised in the Enthusiast, so are Harley-Davidson  
6     licensed products, many licensed products are  
7     advertised in there, jewelry is licensed, licensed  
8     jewelry is in there, a licensed Ford truck  
9     advertising is in there.

10          Q     Clothing?

11          A     Clothing is advertised in there, in  
12     addition to all of the feature content, which often  
13     heavily shows the bar and shield logo as well as the  
14     word marks.

15          Q     How many issues are distributed quarterly,  
16     then?

17          A     About 1.2 million are sent out quarterly  
18     in the U.S. --

19          Q     And --

20          A     -- of each issue.

21          Q     -- are these available to the general  
22     public if they wanted to receive a copy of

1 Enthusiast?

2 A Yes, they are. They're distributed  
3 through dealers. Dealers get a supply that they can  
4 hand to the customer, and it's also brought to all  
5 consumer shows.

6 Q What other magazines are produced by  
7 Harley-Davidson?

8 A HOG Tales is a magazine that is produced  
9 as a benefit to Harley Owners Group members. It  
10 covers all the news, relevant information, product  
11 of interest to the Harley Owners Group. It's --

12 Q How long has the Harley Owners Group  
13 existed?

14 A Since 1983.

15 Q Do you know how long HOG Tales, the  
16 publication, has been distributed?

17 A It was distributed as part of the benefit  
18 package of HOG, dating back to 1983.

19 Q Do you know how many members there are of  
20 HOG?

21 A I think there's about 800,000. Yeah,  
22 800,000 members.



1 Q HOG is a monthly -- HOG Tales is a monthly  
2 publication?

3 A It's bi-monthly, six times a year.

4 Q So several million HOG Tales magazines are  
5 distributed each year?

6 A Correct.

7 Q And does the HOG Tales magazine bear the  
8 Harley trademark?

9 A Yes.

10 (Beck Exhibit 39 was marked.)

11 BY MS. McLEOD:

12 Q I'm handing you what has been marked as  
13 Exhibit 39. Do you recognize it?

14 A Yes.

15 Q What is it?

16 A An example of Harley Owners Group, HOG  
17 Tales, publications.

18 Q This is just a representative sample; is  
19 that right?

20 A Yes.

21 Q What years are covered?

22 A 2000 -- every year in 2000, dating all the

1 way back to 1983, so 1983 and then from 2001 to  
2 2008.

3 Q Are Harley-Davidson branded products  
4 advertised in HOG Tales?

5 A Yes, they are.

6 Q Is clothing also marketed and advertised  
7 through HOG Tales?

8 A Clothing, parts, accessories, new model  
9 collection -- or new accessories and apparel  
10 collections --

11 Q Is jewelry also?

12 A -- are all featured in HOG Tales. Jewelry  
13 as well, financial services, tours, rentals.

14 Q Are you familiar with the unsolicited  
15 media attention that the company's brands receive?

16 A Yes.

17 Q Does the company track unsolicited media  
18 attention for the Harley-Davidson brand of product  
19 and services?

20 A Yes. It does so through a clipping  
21 service that we hire out to track it.

22 Q Does the company also create internally

1 reports to track?

2 A Yes. It acquires summary reports as well  
3 as the actual clippings of the articles themselves.

4 Q Can you identify some of the publications  
5 that you have seen have unsolicited attention to the  
6 Harley-Davidson brand?

7 A Virtually -- I mean, virtually every  
8 newspaper in the country, you know, has probably  
9 covered a Harley story at some time. I mean, the  
10 ones that I've seen recently are New York Times, USA  
11 Today, Milwaukee Business Journal, Milwaukee Journal  
12 Sentinel, you know, L.A. Times, Miami Herald,  
13 Chicago Tribune.

14 Q And these would be mentions of the  
15 Harley-Davidson brand in articles?

16 A Mentions of the Harley-Davidson brand,  
17 company.

18 Q Would the bar and shield logo be displayed  
19 -- have you see the bar and shield logo sometimes  
20 featured in unsolicited media attention?

21 A You'll see it when there's a visual, you  
22 know, with this coverage. You know, much of this

1 coverage might just appear as print but oftentimes  
2 you'll see visuals of people on Harleys with Harley  
3 clothing, you know, and you'll see the word marks  
4 and branded marks in those visuals as well, but most  
5 of it is, you know, just covering the word marks.

6 (Beck Exhibit 40 was marked.)

7 BY MS. McLEOD:

8 Q I'm handing you what's been marked Exhibit  
9 40. Do you recognize this document?

10 A Yes.

11 Q What is it?

12 A It is the Summary Report of unsolicited  
13 media mentions --

14 Q Is this document --

15 A -- covering Harley-Davidson.

16 Q Is this document prepared by the company  
17 in the ordinary course of business?

18 A Yes.

19 Q And does the company retain these summary  
20 documents as business records?

21 A Yes.

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1 A Yes.

2 Q The company has tracked this kind of media  
3 attention for many years before that; is that  
4 accurate?

5 A Yes.

6 Q So the company received this level of  
7 unsolicited media attention since you joined the  
8 company, for example, in '99?

9 A Oh, yeah. It's consistently increased.

10 Q And some of these are national  
11 publications, like Forbes?

12 A Yep.

13 Q Business Week?

14 A Ad Week, Business Week, Business Journal,  
15 and New York Times. Like I mentioned earlier,  
16 Fortune, Bloomberg. Sometimes there are --  
17 Barron's, Business Week, Forbes, CNBC, so it covers  
18 broadcast as well.

19 Q Are you familiar with the company's  
20 licensing of products bearing the Harley-Davidson  
21 trademark?

22 A Yes.

1           Q     Does the company also have a licensing  
2     program that covers the bar and shield logos we  
3     talked about and the Harley mark alone that's  
4     covered by licenses?

5           A     Yes. That's primarily why licensees  
6     exist.

7           Q     Do you know the company -- the year the  
8     company first started licensing?

9           A     19 -- it would be early '80s, for sure.  
10                (Beck Exhibit 41 was marked.)

11    BY MS. McLEOD:

12           Q     I'm handing you what's been marked Exhibit  
13    41. Do you recognize this exhibit?

14           A     Yes.

15           Q     What is it?

16           A     It's a list of current licensees for the  
17    last three years, in categories from T-shirts to  
18    accessories, to apparel, footwear, jewelry.

19           Q     And is this summary document prepared by  
20    the company as part of the ordinary course of  
21    business?

22           A     Yes.



1           Q    Is it retained in the company records as a  
2   business document?

3           A    Yes.

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Q And the company has had licensing  
wholesale revenues for its licensees at about this  
level since the time you joined the company?

A I would say it's grown to this level since  
the time I joined the company. It's been at this  
level I'm sure for at least the last ten years, but

1 prior to that it was growing rapidly. Licensing  
2 played a key part in bringing a lot of incremental  
3 revenue into our business when we weren't selling a  
4 lot of motorcycles.

5 (Discussion off the record.)

6 (Lunch recess at 12:52 p.m. to 1:19 p.m.)

7 (Beck Exhibit 42 was marked.)

8 BY MS. McLEOD:

9 Q I'm handing you what's been marked Exhibit  
10 42. Do you recognize this document?

11 A Yep.

12 Q What is it?

13 A It's a catalog featuring licensed product.

14 Q What's covered in the catalog, type of  
15 product?

16 A Hats, T-shirts, tops, knit tops, fleece,  
17 lace-ups, tank tops.

18 Q Which licensee is this from?

19 A American Licensed Products.

20 Q What year is the catalog?

21 A 2002.

22 Q And does the company retain copies of

1       these catalogs in their business records?

2           A       Yes.

3           Q       And the licensed products, including the  
4       clothing in here, bears the Harley-Davidson marks?

5           A       Yes, multiple.

6           Q       As well as the bar and shield logos?

7           A       Oh, yes. Multiple variants.

8           Q       And the American Licensed Products would  
9       issue a catalog a year; is that right?

10          A       Yes. Probably at least one.

11          Q       And who would those be distributed to?

12          A       Primarily dealers, people handling their  
13       products. They would also distribute these products  
14       through Wal-Marts, Kmarts, Target stores; big broad  
15       retail outlets that reach the general mass market.

16          Q       J.C. Penney?

17          A       J.C. Penney, Sears, yeah. I've seen it in  
18       Sears, yeah.

19          Q       Do they also -- licensees also market  
20       these products, including clothing, to smaller  
21       retail stores?

22          A       Yep, boutiques. Not uncommon to see

1     boutiques in malls carrying all sorts of different  
2     products. Pet food stores carrying Harley licensed  
3     product. Anything to reach the mass market  
4     consumer.

5                     (Beck Exhibit 44 was marked.)

6     BY MS. MCLEOD:

7             Q     I'm handing you what's been marked Exhibit  
8     44. Do you recognize this document?

9             A     Yep.

10            Q     What is it?

11            A     It's another licensee.

12            Q     The name of the licensee in this...?

13            A     Global Products.

14            Q     What products does Global Products license  
15     under the Harley-Davidson mark?

16            A     Patches, chain wallets, boot chains,  
17     straps, suspenders, bandanas --

18            Q     Looks like --

19            A     -- hardware, hats.

20            Q     Is this a representative sample of  
21     catalogs from 2002 to 2008?

22            A     Yep.

1           Q     And Harley-Davidson maintains a copy of  
2     the licensee catalogs as part of their business  
3     records?

4           A     Yes, they do.

5           Q     And are these distributed in the same  
6     manner as the American --

7           A     Yes.

8           Q     -- licensing catalogs you mentioned  
9     earlier?

10          A     Yep. Another one would be -- one that I  
11     didn't mention is convenience stores, or C stores.  
12     You'll see a lot of these products offered in  
13     virtually every truck stop in the country, virtually  
14     every, you know, 7-Eleven type of convenience store.

15                     (Beck Exhibit 43 was marked.)

16     BY MS. McLEOD:

17          Q     I'm handing you what's been marked Exhibit  
18     43. Do you recognize that document?

19          A     Yep. It's Stratman, very large supplier  
20     of licensed apparel. This is their catalog  
21     featuring their products, which all display and use  
22     correctly the bar and shield logo and the



1 Harley-Davidson word marks minimally, in various  
2 forms.

3 Q And this is a representative sample of  
4 Stratman catalogs from 2002 to 2008?

5 A Yep, T-shirts, tops, V-necks, tank tops,  
6 halter stops.

7 Q And have you actually seen Stratman  
8 product in the marketplace?

9 A Oh, yeah.

10 Q Clothing?

11 A Tons of it. Own lots of pieces of it.

12 Q Bearing the bar and shield logo as well as  
13 the Harley-Davidson mark?

14 A Oh, yeah. Yep.

15 Q Is Stratman still a licensee today?

16 A Yes, they are.

17 Q And the company maintains a copy of the  
18 Stratman catalog just as it does the others --

19 A Yes.

20 Q -- as a business record?

21 A Yes.

22 (Beck Exhibit 45 was marked.)

1 BY MS. McLEOD:

2 Q I'm handing you a copy of Exhibit 45. Do  
3 you recognize this document?

4 A Yep.

5 Q What is it?

6 A It's Deluxe catalogs.

7 Q What products are covered by Deluxe  
8 catalogs?

9 A Again, it's everything from youth products  
10 and baby T-shirts to tank tops to halter tops.

11 Q A wide variety of clothing is covered in  
12 the catalogs?

13 A Wide variety. Hats, adult T's, T-shirts.

14 Q The company maintains these catalogs as  
15 part of its business records?

16 A Yes.

17 Q And are these catalogs distributed in a  
18 similar manner to the previous catalogs we  
19 discussed?

20 A Yes.

21 Q And these all are products bearing the  
22 Harley-Davidson brand?

1           A     Harley-Davidson brand, the blank bar and  
2     shield, the outlined bar and shield, all the logos,  
3     bar and shield logos.

4           Q     And this is a representative sample of  
5     catalogs from looks like 2002 to 2008; is that  
6     right?

7           A     Yes.

8                     (Beck Exhibit 46 was marked.)

9     BY MS. McLEOD:

10          Q     I'm handing you what's marked Exhibit 46.

11          A     Okay.

12          Q     Do you recognize this document?

13          A     Yep.

14          Q     What is it?

15          A     It is a brochure featuring Stamper Black  
16     Hills Gold Jewelry, covers belt buckles, pendants,  
17     earrings, rings, ladies rings, men's rings, money  
18     clips, key chains.

19          Q     What's the date of this catalog?

20          A     My personal favorite, nose rings, tie  
21     clips, slave bracelets, belt buckles. Pretty much  
22     if you could figure out a piece of jewelry to wear,

1 it's covered in here.

2 Q And this --

3 A All of it covers --

4 Q And Ultimate Accessories was a catalog  
5 from 1990; is that right?

6 A Yes, 1990.

7 Q Okay.

8 A They are still a licensed -- a licensee  
9 today. Here's a good example of all of the --  
10 they've got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
11 13, 14 bracelets shown -- or looks like seven  
12 bracelets shown here with bar and shields.

13 Q And the company retains a copy of these  
14 catalogs --

15 A Yes.

16 Q -- as part of their business records?

17 A Yes.

18 Q These catalogs are distributed in a manner  
19 similar to those you previously mentioned?

20 A Yes.

21 Q To dealers and to the general public if  
22 they request it?

1           A     Yes. And Stamper, you know, when they're  
2     producing this stuff, they're following that  
3     guidelines document that we used -- that we  
4     referenced before.

5           Q     The Trademark Guidelines you're talking  
6     about?

7           A     Yeah. If they do a -- if they do a design  
8     that doesn't fit within that, we won't approve it,  
9     and they know they're not allowed to license it.

10                   (Beck Exhibit 47 was marked.)

11     BY MS. McLEOD:

12           Q     I'm handing you what's been marked as  
13     Exhibit 47. Do you recognize that document?

14           A     Yep, Bulova watches.

15           Q     Is that a licensee for jewelry?

16           A     Currently, yes. Looks like they have been  
17     for -- well, this product is -- this catalog is....

18           Q     It appears that catalog is from the early  
19     1990s; is that right?

20           A     That's what it looks like.

21           Q     And the company retains a copy of the  
22     Bulova catalogs in its records as a business

1 document?

2 A Yes.

3 Q Does Bulova distribute their jewelry  
4 through the same channels of trade you mentioned  
5 before, through their own stores or through mass  
6 marketing -- mass merchandising?

7 A Mass merchandisers. They're also  
8 distributed through Harley dealers, but also  
9 broad-reach general market retailers, such as Kmart,  
10 Wal-Mart, Target.

11 Q Can you list examples of the type of  
12 convenience stores you mentioned earlier; truck  
13 stops? Are there any other chains or convenience  
14 stores that might carry --

15 A Truck stops, 7-Elevens, Quick-Trips. They  
16 tend -- those chains tend to be regional, so I'm  
17 kind of more inclined to -- you know, Come N Go.

18 (Beck Exhibit 48 was marked.)

19 BY MS. McLEOD:

20 Q I'm handing you what's been marked as  
21 Exhibit 48. Do you recognize that document?

22 A Yes.

1 Q What is it?

2 A It's the license -- licensee catalog for  
3 3D Emblem.

4 Q What products are licensed?

5 A Pins, collectible pins, earrings. I think  
6 that's primarily it, pins and earrings.

7 Q And the company retains a copy of these  
8 old catalogs in their company records as business  
9 documents?

10 A Yes.

11 Q And the merchandise shown in here bears  
12 the Harley-Davidson bar and shield logo and marks?

13 A Yep.

14 (Beck Exhibit 49 was marked.)

15 BY MS. McLEOD:

16 Q I'm handing you what's been marked Exhibit  
17 48 -- 49. It's a group exhibit.

18 A Oh, yeah.

19 Q Do you recognize this document?

20 A Yes.

21 Q What is it?

22 A It's Mascorro Leather, a licensee.

1 They're an official licensee of leather products,  
2 biker wallets, chain wallets, checkbook covers,  
3 purses, shoulder bags, cigarette cases, cell phone  
4 cases, knife cases, key chains, leather bandanas.

5 Q So turning to page 6, money clips. Page 6  
6 of the --

7 A Yep.

8 Q Do you see multiple versions of the bar  
9 and shield logo shown on the money clips?

10 A Yes. I see standard bar and shield. I  
11 see outlined bar and shield, blank bar and shield.  
12 Yep.

13 Q And these products would be distributed in  
14 the same manner as the previous licensees you  
15 discussed?

16 A Yes. Through Harley-Davidson dealerships,  
17 C stores.

18 Q And the company retains a copy of these  
19 catalogs as part of their business records?

20 A Yes.

21 Q And is Mascorro still a licensee today?

22 A They are.



1 Q And these catalogs are dated from when?

2 A This is '05, '06, '04, looks like early  
3 2000.

4 Q And they would distribute catalogs  
5 annually?

6 A Annually.

7 Q At least annually or --

8 A Yes.

9 Q Do they ever distribute more than one  
10 catalog a year?

11 A I don't know that.

12 (Beck Exhibit 50 was marked.)

13 BY MS. McLEOD:

14 Q I'm handing you what's been marked Exhibit  
15 50. Do you recognize this exhibit?

16 A Yep.

17 Q What is it?

18 A It's a licensed product catalog from  
19 Intersports Fashion West. It features backpacks,  
20 luggage, purses, tote bags, fanny packs. Primarily  
21 distributed through Harley-Davidson dealerships, but  
22 would also be able to distribute these through other

1 outlets.

2 Q This is just a representative sample of  
3 catalogs?

4 A Yes.

5 Q For the years 2002 through --

6 A 2004, looks like.

7 Q And the company retains a copy of these  
8 catalogs as part of their business records?

9 A Yes.

10 Q And the products bear the Harley-Davidson  
11 bar and shield and word mark?

12 A Yes, they do.

13 (Beck Exhibit 51 was marked.)

14 BY MS. McLEOD:

15 Q I'm handing you what's been marked Exhibit  
16 51.

17 A All right.

18 Q Do you recognize this exhibit?

19 A Yep. It's from VF Imagewear. They supply  
20 fashion tops, men's, ladies, children's,  
21 sweatshirts, crew jerseys, T-shirts, sweatshirts,  
22 bar and shield logo prominently displayed.

1           Q     So this is a representative sample of VF  
2     Imagewear catalogs from 2004 to 2008; is that right?

3           A     Yes.

4           Q     And they would issue these catalogs  
5     annually?

6           A     At least annually. They say fall and  
7     winter editions, so there must be a spring version  
8     somewhere.

9           Q     And are these distributed --

10          A     Or at least annually.

11          Q     Are these distributed in the same manner  
12     as the previous catalogs you testified about?

13          A     Yes.

14          Q     To dealers and the general public through  
15     the dealers?

16          A     Yes.

17          Q     And these products would be marketed in  
18     channels of trade like the mass merchandisers?

19          A     Yes.

20          Q     And convenience stores, truck stops?

21          A     Yes.

22          Q     And turning to page -- of the 2004

1 catalog, men's fleece, page....

2 A Okay.

3 Q Do you see multiple uses of the different  
4 bar and shield logos shown there?

5 A Yep.

6 Q Can you describe what you see there?

7 A I see the Harley-Davidson trademark. I  
8 also see the bar and shield in at least two  
9 different variants; one is -- three different  
10 variants, actually; one is the blank bar and shield,  
11 one is the bar and shield with wings, and the bar  
12 and shield is just represented on the page as well.

13 Q So the consumers and dealers that view  
14 this catalog would be exposed to all of these marks  
15 on this one page; is that right?

16 A Correct.

17 Q And the company keeps a copy of these VF  
18 Imagewear catalogs in their records as a company  
19 document, business document?

20 A Yes.

21 Q And VF Imagewear is still a licensee  
22 today; is that right?

1           A     Yes.

2                     (Beck Exhibit 52 was marked.)

3     BY MS. McLEOD:

4           Q     I'm handing you what's been marked Exhibit  
5     52. Do you recognize this group exhibit?

6           A     Yep.

7           Q     What is it?

8           A     It's Syd Curtis, high-end fine jewelry.

9     2007, 2006, 2008.

10          Q     And the company retains Syd Curtis's  
11     catalog, representative samples, in their records as  
12     a business document?

13          A     Yes.

14          Q     And are these catalogs distributed in a  
15     similar manner to those you previously testified  
16     about?

17          A     Yes.

18          Q     And the products are marketed through the  
19     channels of trade you mentioned earlier, mass --

20          A     Yes. Probably more boutique, just because  
21     it's fine jewelry, but....

22          Q     And these contain images of the various

1 bar and shield logos?

2 A Yes.

3 Q So looking at --

4 A Both blank, mostly blank.

5 Q So looking at the cover of the 2007 Syd  
6 Curtis Design catalog, for example, what's shown  
7 there?

8 A Blank bar and shield, Harley-Davidson word  
9 mark, bracelets, rings, pendants.

10 (Beck Exhibit 53 was marked.)

11 BY MS. McLEOD:

12 Q I'm handing you what's been marked Exhibit  
13 53. Do you recognize this document?

14 A Fairchild Sports, official licensed  
15 products; jackets, bags, hats.

16 Q Are they still a licensee today?

17 A Yeah.

18 Q And is this a representative sample of  
19 catalogs?

20 A Yes, it is.

21 Q And their catalogs are issued at least  
22 annually?

1           A     Yes.

2           Q     And distributed to dealers and  
3 customers --

4           A     Correct, yeah.

5           Q     -- consumers? And the company retains a  
6 copy of the Fairchild Sports catalogs in their  
7 records as a business document?

8           A     Yes.

9           Q     And the products -- the clothing and  
10 accessories products shown here bear the  
11 Harley-Davidson and the Harley bar and shield marks?

12          A     Yes.

13                   (Beck Exhibit 54 was marked.)

14 BY MS. McLEOD:

15          Q     I'm handing you what's marked Exhibit 54.  
16 Do you recognize this document?

17          A     Yep.

18          Q     What is it?

19          A     It's MOD Jewelry, official licensed  
20 product. Belt buckles, rings, bracelets, chains --

21          Q     And is this --

22          A     -- pendants.

1           Q     -- a representative sample of their  
2     catalogs?

3           A     Yes.

4           Q     Issued from 2002 to 2007; is that right?

5           A     Yes. Bar and shield logos, blank with --

6           Q     Is MOD Jewelry still a licensee today?

7           A     Yes.

8           Q     The licensees we've covered in the  
9     catalogs, are these licensed products also  
10    distributed at rallies and events?

11          A     Through our dealerships they would be,  
12    yes, but those entities can't retail on their own.  
13    In other words, the company.

14          Q     So dealerships, though --

15          A     Dealerships --

16          Q     -- market and sell jewelry at these  
17    events?

18          A     Oh, absolutely. Absolutely.

19          Q     Can you describe the different rallies and  
20    events? How many rallies and events each year is  
21    the company aware of?

22          A     Well, the -- I think I've heard the number



1 4,000 rallies a year are kind of -- is the number.

2 Now, that is virtually every kind of rally you  
3 can -- rally or show or activity that you can  
4 imagine.

5 Q Can you describe a rally?

6 A But there's rallies -- the big rallies are  
7 Sturgis and Daytona, which attract anywhere from 400  
8 to 600,000 people annually. And those will be a  
9 week to two-week long rallies. There's state  
10 rallies, HOG state rallies. We're virtually  
11 represented in every state. There's regional HOG  
12 rallies. There are ABATE rallies. There are  
13 competitive rallies. Americade, Honda Hoot is a  
14 rally.

15 All of these rallies are rallies where we  
16 go to display and interact with our customers. The  
17 company sends about -- sends employees to about...I  
18 want to say about -- I think we send 2,000 employees  
19 to 400 plus rallies a year.

20 Q Are the company's products bearing the  
21 Harley-Davidson and bar and shield logos available  
22 at all of those rallies?

1           A     Yes.

2           Q     And advertised and promoted at those  
3 rallies?

4           A     Yes.

5           Q     Going back to Sturgis, how many people  
6 attend the Sturgis event, approximately?

7           A     Between 400 and 600,000 a year.

8           Q     Is there a Daytona Bike Week?

9           A     There's Daytona Bike Week. That's between  
10 350 and 500,000 a year.

11          Q     Laconia?

12          A     Laconia. That was just this last weekend.  
13 That's probably more in the neighborhood of a  
14 hundred thousand to 150,000.

15          Q     Rolling Thunder Ride for Freedom?

16          A     Rolling thunder I think is about a hundred  
17 thousand.

18          Q     And does the company also have annual  
19 anniversary or hallmark anniversary celebrations?

20          A     Every five years the company has an  
21 anniversary celebration that attracts anywhere from  
22 a half a million, 500,000, to 600,000 people, in

1 Milwaukee.

2 Q How long has the company hosted those  
3 types of rallies?

4 A Since 1985.

5 Q And Harley-Davidson branded and bar and  
6 shield branded products would be advertised --

7 A The main feature and the main attraction  
8 of those rallies.

9 Q Who attends these rallies?

10 A Motorcyclists that own Harley-Davidson,  
11 general public, competitive motorcycle owners.

12 Q So clothing, jewelry, motorcycles, parts  
13 and accessories --

14 A Displayed at all these rallies.

15 Q All of those things would be displayed and  
16 available at the rallies?

17 A Yep.

18 Q In addition -- you testified earlier about  
19 store signage. Is there another type of outdoor  
20 advertising that the company uses to promote the  
21 Harley-Davidson branded products?

22 A Yeah, we do -- I talked a little bit about

1 the dealer ad planners. We make outdoor  
2 advertisements and billboard advertisements  
3 available to the dealers. And it's not -- most all  
4 of those, virtually every one of those would  
5 incorporate the bar and shield logo since that's the  
6 primary identifier, and the dealers use that heavily  
7 to identify their dealerships.

8 It's not -- in our part of the country,  
9 it's not uncommon to not be able to go 50 miles in  
10 any one direction without seeing a bar and shield  
11 billboard on an interstate freeway.

12 Q And are the Harley-Davidson brands also  
13 advertised through bus sides?

14 A Bus sides, transit billboards, in airport  
15 billboards, airport signage, actual airports, kiosks  
16 in stores.

17 Q Can you identify airports where there have  
18 been Harley-Davidson signage?

19 A There's one in Las Vegas. There's a sign  
20 in the Las Vegas airport that's actually been in the  
21 Oceans 12 or 13 movie, so lucky for the Las Vegas  
22 dealer.

1                   There are Harley-Davidson signs or stores  
2   in Chicago, Miami, Minneapolis, that I know of off  
3   the top of my head.

4           Q     You mentioned Oceans 11. Can you identify  
5   other films in which Harley-Davidson branded  
6   products or advertisements have been placed?

7           A     Pulp Fiction, Harley-Davidson and the  
8   Marlboro Man, Easy Rider. This spans 30 plus years,  
9   so, you know, you're going from Easy Rider to Pulp  
10   Fiction to Harley-Davidson and the Marlboro Man to  
11   Terminator to the latest Indiana Jones movie to Wild  
12   Hogs.

13          Q     X-Men movie?

14          A     X-Men.

15          Q     Was it in the movie Mask?

16          A     It was in the movie Mask, Rocky 3.

17          Q     The Wild One?

18          A     Yeah, it was in The Wild One.

19          Q     That movie is old, isn't it?

20          A     Yeah, very.

21          Q     1950s?

22          A     19 -- yeah, late '50s, early '60s.

1           Q     What about Bad News Bears; is it in that  
2     film?

3           A     Yes, it was.

4           Q     That's from the 1970s; is that right?

5           A     Yeah, '70s.

6           Q     Was the Harley-Davidson brand also placed  
7     or exposed in the Back to the Future movies?

8           A     Yep.

9           Q     What about Erin Brockovich?

10          A     Yep.

11          Q     So that was around 2000; is that right?

12          A     Yep.

13          Q     And The King of California?

14          A     Yes.

15          Q     That's a recent film; is that right?

16          A     Yes.

17          Q     2007. Has the Harley-Davidson brand of  
18     products also been placed in television programs?

19          A     Yep, most recently --

20          Q     Can you identify some of those programs?

21          A     Most recently network broadcast shows like  
22     CSI Miami, CSI New York, CSI Las Vegas. It's been

1 in the X-Files, it's been in CHiPs, Starsky and  
2 Hutch, Dukes of Hazard, Sopranos, Six Feet Under,  
3 Weeds, Entourage, Nip and Tuck.

4 Q Was it in the A-Team television series?

5 A Now you're going back. Yes.

6 Q Las Vegas?

7 A Yep.

8 Q Monk?

9 A Monk, yeah, Monk.

10 Q Cold Case?

11 A Cold Case.

12 Q What does this kind of product placement  
13 mean for the brand?

14 A It's tremendously valuable in reaching the  
15 mass consumer market efficiently and effectively,  
16 plus it creates interest and desire in the brand,  
17 the brand marks. It helps move -- you know, create  
18 aspiration and desire for the products. When Brad  
19 Pitt is seen on his Harley, you know, or Hulk Hogan,  
20 or the esteemed Governor of California, Arnold  
21 Swartzenegger, you know, people tend to look up to  
22 them so it translates well for our motorcycles.

1           Q     Have some of these celebrities and  
2     political persons you mentioned appeared in any  
3     advertisements for Harley-Davidson products?

4           A     Yeah.  Malcolm Forbes, Mickey Roarke, Jay  
5     Leno to name a few have been in catalogs and in  
6     advertisements endorsing Harley-Davidson products.  
7     Larry Mullins, Jr., who's the drummer for U-2.

8           Q     And they would be shown with a  
9     Harley-Davidson motorcycle?

10          A     Yes.

11          Q     And in Harley-Davidson clothing?

12          A     Yep.  Harley-Davidson pins, patches on  
13     their jackets.  Usually when we do it we try to do  
14     it with their own stuff so it's very authentic and  
15     it's very real.

16          Q     In addition to these unsolicited product  
17     placements and press mentions, are you aware of any  
18     other recognition for the Harley-Davidson branded  
19     products?

20          A     Well, I mean, we only touched on the  
21     surface of people that come to us, you know, for  
22     relationship through motorcycles.  I mean, Tim



1 McGraw, Faith Hill, Usher, you know.

2 Q Has the company won any advertising awards  
3 recognizing its Harley-Davidson branded advertising?

4 A In 2002 we won the Magazine Publishers of  
5 America Kelly Award, which is probably the most  
6 prestigious advertising award that you can win.  
7 We've been a finalist in the Kelly Awards. We were  
8 a finalist in the Kelly Awards virtually just about  
9 every year for about 15 years leading up to finally  
10 winning it in 2002. So it was -- we've consistently  
11 been recognized and acknowledged as having some of  
12 the highest quality advertising in the industry.

13 We won Direct Marketing Association awards  
14 for our MotorClothes and apparel catalogs.

15 Q What is that award for?

16 A That's for the creativity and the quality  
17 of the package that we send out, the representation  
18 of the product and how we do it.

19 Q That's all Harley-Davidson branded  
20 products?

21 A All Harley-Davidson branded products.  
22 We've won Effie Awards, which is an award sponsored

1 by the American Advertising Agency Association,  
2 which is the highest -- the most prestigious group  
3 of advertising agencies in the country, and it's  
4 called the Effie Awards, and it awards clients for  
5 their most effective campaigns in their categories  
6 for the year. We have won multiple Effie Awards in  
7 the years past, in the late '80s to '90s, as well as  
8 2000.

9 Q And has the Harley-Davidson brand received  
10 any rankings from independent organizations?

11 A Well, I mean, we've consistently been  
12 ranked in the top 50 of inter-brand rankings, you  
13 know, that appear in Fortune magazine, Forbes  
14 magazine, in terms of brand value, brand strength,  
15 which is pretty amazing considering the fact that,  
16 you know, as a company we're not, you know, in the  
17 top 50 of Fortune 500.

18 So our brand value and our brand  
19 recognition among the consumer marketplace  
20 determines the brand value. So I think, like I  
21 said, for the last five years we've been in the top  
22 50 and kind of moving around in the 40s. Bigger

1     than brands, though -- brands that you wouldn't  
2     think would be behind us, like Polo or, you know,  
3     what I would term more common brands, you know,  
4     don't rank as high as we do, so that just speaks to  
5     the recognition that the marketplace has for  
6     Harley-Davidson brands.

7                   MS. McLEOD: Can we go off the record for  
8     a minute.

9                   (Discussion off the record.)

10                   (Beck Exhibit 55 was marked.)

11     BY MS. McLEOD:

12             Q     I'm handing you what's been marked Exhibit  
13     55. Do you recognize this?

14             A     Yes. It's a picture of the crate and the  
15     packaging that the motorcycles are shipped in.

16             Q     And --

17             A     On it has all of the trademarks or  
18     representative samples of many of the trademarks  
19     from Harley-Davidson, the word Harley,  
20     Harley-Davidson itself is a trademark, bar and  
21     shield logo with motorcycles in it, bar and shield  
22     logo with just the outline, and the blank version.

1           Q     So this shows -- this packaging shows  
2     multiple, the multiple versions of the bar and  
3     shield logo together on one package?

4           A     Yes.

5           Q     It also has the word Harley alone --

6           A     Yes.

7           Q     -- mark, the word mark? And what's on the  
8     last two pages?

9           A     Last two pages are samples of parts and  
10    accessories packaging that hangs in the stores, and  
11    on that you will see all of the -- you know, the  
12    trademarks represented for Motor Company,  
13    Harley-Davidson, HOG, Harley. And these hang in peg  
14    boards en masse in dealerships to communicate the  
15    Harley-Davidson brand.

16          Q     And does the company keep photograph  
17    images of its packaging as part of its business  
18    records?

19          A     Yes.

20                   (Beck Exhibit 56 was marked.)

21    BY MS. McLEOD:

22          Q     I'm handing you what's marked as Exhibit

1 56. Do you recognize this exhibit?

2 A Yep.

3 Q Was it?

4 A It's a picture of various T-shirts,  
5 T-shirt fronts, that shows both the tags in the  
6 shirts as well as the logos on the front, multiple  
7 uses of logos. We've got the bar and shield blank,  
8 Harley-Davidson word mark on the tag, all containing  
9 the bar and shield logo in its various usages.

10 Q And is this a true and accurate  
11 representation of the clothing that you've actually  
12 seen?

13 A Oh, yes.

14 Q And is it a true and accurate  
15 representation of the clothing that we have in the  
16 room here today?

17 A Yeah. Yep.

18 Q And all of these examples have at least  
19 two versions of the bar and shield logo, including  
20 the blank, on them; is that right?

21 A Yes.

22 Q I'm going to hand you back Exhibit 55 for

1 a moment.

2 A Okay.

3 Q And are the photographs shown here a true  
4 and accurate representation of the packaging for the  
5 motorcycles?

6 A Yes.

7 Q And for the parts and accessories?

8 A Yes.

9 (Beck Exhibit 57 was marked.)

10 BY MS. McLEOD:

11 Q I'm handing you what's marked Exhibit 57.

12 A Okay.

13 Q Do you recognize this?

14 A Yes.

15 Q What is it?

16 A It's the -- it's a promotional bumper  
17 sticker that we just recently distributed as part of  
18 a promotional campaign. It shows the bar and shield  
19 logo on the sticker, copyright 2008, and H-D on it.

20 Q How many bumper stickers did the company  
21 issue under this particular campaign?

22 A We issued 25,000 bumper stickers, 25,000

1 helmet stickers, and about 25,000 bandanas.

2 Q Has the company used this type of  
3 marketing in the past?

4 A Multiple times. We do at least two to  
5 four of those types of programs a year.

6 (Beck Exhibit 58 was marked.)

7 BY MS. McLEOD:

8 Q I'm handing you what's marked Exhibit 58.

9 A Okay.

10 Q Can you take a minute and look through  
11 this exhibit.

12 A Okay. (Reviewing Beck Exhibit 58.)

13 Q What is this exhibit?

14 A This is a copy of Business Week magazine  
15 from 2001 to 2007.

16 Q Does this contain the inter-brand rankings  
17 that you testified about earlier?

18 A Yes, it does. Best global brands in the  
19 world, most valuable brands.

20 Q And turning to the 2004 issue.

21 A Okay. 2004.

22 Q Actually, I'm not going to get into that.

1 I have another exhibit I am going to hand to you.

2 A Oh, all right.

3 Q So we're done with this exhibit.

4 (Discussion off the record.)

5 (Beck Exhibit 62 was marked.)

6 BY MS. McLEOD:

7 Q I'm handing you what's marked Exhibit 62.

8 A Okay. Business Week, August 2004.

9 Q And this is a complete version of the  
10 article and the inter-brands rankings for that year;  
11 is that right?

12 A Correct. In it we ranked 41st, up from  
13 44th in 2003.

14 Q And do you see on page 66 -- I'm sorry,  
15 page 64, the title of the article?

16 A "Cult Brands."

17 Q And then page 66, do you see  
18 Harley-Davidson referenced as, "A classic example of  
19 a cult brand is Harley-Davidson"?

20 A Yeah. "The classic example of a cult  
21 brand is Harley-Davidson. The 101 year old brand  
22 gained 4 percent value this year to 7.1 billion."



1           Q     Are you familiar with the sales and -- the  
2     sales revenues and advertising expenditures for the  
3     company?

4           A     Yep.

5                     (Beck Exhibit 59 was marked.)

6     BY MS. McLEOD:

7           Q     I'm handing you what's marked Exhibit 59.  
8     Do you recognize this document?

9           A     Yeah. This is advertising spending 2004  
10    to 2007.

11          Q     Is this document prepared by the company  
12    in its ordinary course of business?

13          A     Yes, it is.

14          Q     Is it retained in company records as a  
15    business document?

16          A     Yes, it is.

17

18

**REDACTED**

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13

Q Each year?

14

A Each year.

15

Q And that would include Harley-Davidson

16

branded products --

17

A Yes.

18

Q -- and services advertising?

19

A Yes.

20

(Beck Exhibit 60 was marked.)

21

BY MS. McLEOD:

22

Q I'm handing you what's marked Exhibit 60.

1 Do you recognize this document?

2 A Yes.

3 Q What is it?

4 A It's annual motorcycle sales for the last  
5 four years, 2004 to 2007.

6 Q And this is U.S. only; is that right?

7 A U.S. only.

8 Q Is this document prepared by the company  
9 in the ordinary course of business?

10 A Yes.

11 Q Is it retained in company records as a  
12 business document?

13 A Yes, it is.

14

15

16

17

18

REDACTED

19

20

21

22

**REDACTED**

1

2

(Beck Exhibit 61 was marked.)

3

BY MS. McLEOD:

4

Q I'm handing you what's been marked Exhibit

5

61. Do you recognize this document?

6

A Yes. It is the MotorClothes revenues for

7

just the apparel.

8

Q So this is excluding...?

9

A This would exclude licensee revenues and

10

collectible revenues.

11

Q What's the total for 2003 to 2007 for

12

apparel alone in sales?

13

**REDACTED**

14

Q Is this document prepared by the company

15

in the ordinary course of business?

16

A Yes.

17

Q And retained in company records as a

18

business document?

19

A Yep.

20

MS. McLEOD: Can we take a quick break.

21

(Recess at 2:08 p.m. to 2:14 p.m.)

22

(Beck Exhibit 63 was marked.)

1 BY MS. McLEOD:

2 Q I'm going to hand you what has been marked  
3 as Exhibit 63. Do you recognize this document?

4 A Yes.

5 Q Is this the trademark application that's  
6 at issue in this case?

7 A Yes.

8 Q Do you think the trademark shown here is  
9 confusingly similar to the Harley-Davidson brand and  
10 bar and shield logo?

11 A I do, yes.

12 Q Is it similar in appearance to the bar and  
13 shield logo?

14 A It's similar in appearance. It's similar,  
15 you know, for a number of reasons, that --

16 Q Can you describe them?

17 A Yeah. It's got a base level look of our  
18 existing registered trademark bar and shield in  
19 that, you know, it's got a base level shield with a  
20 clear bar going across it that is in virtually  
21 exactly the same type face, type proportions, to the  
22 Harley-Davidson bar and shield logo. The words

1 "Holy Divine Son," you know, obviously is intended  
2 to play off the Harley-Davidson, Harley-Davidson bar  
3 that's in our current logo.

4 Q Do you believe that the company would be  
5 damaged if this mark were issued on the register?

6 A I believe that it would be damaged, and I  
7 believe it would be damaged for several reasons.  
8 Number one, it looks like we're endorsing, you know,  
9 this particular type of products where this logo  
10 would appear, and we're not.

11 It sends a message to consumers that we're  
12 endorsing a specific type of religion, which we  
13 don't do. And it's confusing to the consumer. It  
14 looks like it's coming from Harley-Davidson.

15 Q Earlier you testified that you worked for  
16 Harley-Davidson Motor Company; is that right?

17 A Correct.

18 Q And is that a wholly-owned subsidiary of  
19 H-D Michigan, Inc.?

20 A Yes.

21 (Discussion off the record.)

22 (Recess at 2:17 p.m. to 2:28 p.m.)

1 (Beck Exhibit 64 was marked.)

2 BY MS. McLEOD:

3 Q I'm handing you what's marked Exhibit 64.

4 A Okay.

5 Q Do you recognize this exhibit?

6 A Yes, I do.

7 Q What is it?

8 A It's a video, DVD of a video, "A Hundred  
9 Years of Harley-Davidson." And what's featured on  
10 here is a video history montage of Harley-Davidson  
11 for the last hundred years. What's interesting  
12 about it is prior to television and movies, it  
13 marks, you know, Harley's impact into history; but  
14 then as TV and radio come on, you start to see time  
15 spots of its appearance in The Wild Ones, Marlon  
16 Brandon, Elvis Presley featured on a motorcycle in  
17 the '50s, the Terminator movies, the Rocky movies,  
18 all of the movies that Harley-Davidson is kind of  
19 synonymously aligned with are represented in here,  
20 Mask, many of the movies.

21 Q And is this a true and correct version of  
22 the video as you saw it?

1 A Yes.

2 Q And is that your date and signature on the  
3 exhibit?

4 A Yes.

5 Q And where was this video distributed?

6 A It was originally created for the 100th  
7 anniversary display that was on the Open Road Tour,  
8 which went to six -- five or six markets in the U.S.  
9 and six or seven markets worldwide.

10 Q So consumers were exposed to the video?

11 A Yes, millions -- well, hundreds of  
12 thousands of consumers were exposed to the video.

13 Q And is this DVD a true and accurate  
14 representation of the video or DVD as it was  
15 displayed to the consumers?

16 A Yeah, only it was displayed to the  
17 consumers on about a 20-foot screen with giant  
18 audio.

19 (Discussion off the record.)

20 BY MS. McLEOD:

21 Q We discussed some sponsorship like NASCAR  
22 earlier. Can you identify any other sponsorships



1     that involve the Harley-Davidson brand?

2           A     Over the years, we've sponsored NBA teams  
3     like the Milwaukee Bucks, had a presence on court  
4     for broadcast as well as in venue. We've sponsored  
5     major baseball teams, the Brewers. We're currently  
6     in a sponsorship with the UFC, which is the Ultimate  
7     Fighting Championship series.

8                     Our dealers have sponsored the Boston Red  
9     Sox and shown Harley-Davidson bar and shields in  
10    Fenway Park. Atlanta Falcons have been sponsored by  
11    Harley-Davidson dealers. Packers have been  
12    sponsored, Green Bay Packers, NFL.

13                    So NASCAR drivers, several NASCAR drivers  
14    have been sponsored. Currently -- well, not  
15    currently, Rusty Wallace and the Miller car were  
16    sponsored about three or four -- four years ago.  
17    Matt Kenseth currently has a relationship with us,  
18    who is also a driver at NASCAR.

19                    We do those sponsorships primarily to get,  
20    you know, large, broad, general marketplace  
21    exposure, so we're doing it not only to be reaching  
22    the audience that's attending those events but

1 making sure that our name and our logo is featured  
2 on the broadcast of those events so we get bigger  
3 and broader reach.

4 Q So these events are televised --

5 A Yes.

6 Q -- and the bar and shield logo would be  
7 shown during the content, the play of the show or  
8 the game?

9 A Yeah, most of them for a guaranteed number  
10 of audience --

11 Q What's the UFC, again?

12 A Ultimate Fighting Championship --

13 Q And where --

14 A -- mixed martial arts.

15 Q -- does the logo show on the UFC?

16 A It's on the center of the ring, huge. We  
17 were the first major sponsor of that. That's the  
18 one that's reaching about 750,000 people per  
19 broadcast.

20 Q Do you know the viewership for the NFL  
21 programs -- or team games that you've sponsored?

22 A Approximate viewership would be, depending

1 on the level of the game, anywhere from two to four  
2 million households is pretty average viewership for  
3 an NFL game. Michigan and Ohio State game will do  
4 two and a half million on a Saturday, and we've  
5 actually had sponsorships that featured motorcycles  
6 painted in Ohio State Buckeye's colors, so....

7 Q How are those displayed actually at the  
8 game; is it on the field or is it on a board?

9 A They'll usually, like in the case of the  
10 Ohio State bike, the bike was all painted up and it  
11 was featured in the broadcast at the beginning of  
12 the game or half-time of the game, so it's live  
13 coverage.

14 Q Are you familiar with any books that have  
15 been published --

16 A Yep.

17 Q -- containing the Harley-Davidson name?

18 A Name, word marks, trademarks, bar and  
19 shield logos.

20 Q Let me back up to the sponsorship events.  
21 How long has the company been using that type of  
22 advertising?

1           A     Sponsorships, we've been using for many  
2     years before I started with the company because we  
3     sponsored race teams, both in the sport and in  
4     automotive.

5           Q     So before 1999?

6           A     Yes.

7           Q     Back to the books, you said there are  
8     books that contain or are about Harley-Davidson.

9           A     Um-hum.

10                   (Beck Exhibits 65 through 75 were marked.)

11     BY MS. McLEOD:

12           Q     I'm handing you what's been marked  
13     Exhibits 65 through 75. Do you recognize these  
14     books?

15           A     Yep.

16           Q     Can you identify the titles and tell us  
17     about them.

18           A     First one is "The Holy Ranger." It was  
19     written by a friend of mine, Martin Jack Rosenblum,  
20     who was a professor at the University of Wisconsin  
21     in Madison originally and then became the archivist  
22     for the Harley-Davidson Museum. It's a book of

1 poetry.

2 Q What year was that published?

3 A 1989.

4 Q And does that talk about the  
5 Harley-Davidson -- or poetry that includes the  
6 Harley-Davidson name?

7 A Includes the Harley-Davidson name, the  
8 Harley trademark name, has the official licensed  
9 product logo, the Harley-Davidson bar and shield  
10 logo on it.

11 "Well Made in America" is a story of the  
12 -- well, did you want to --

13 Q No. The second book?

14 A Second book is "Well Made in America."

15 Q It's Exhibit 66?

16 A Exhibit 66. It's the story of the  
17 turn-around of the company from the buy-back from  
18 AMF through the going of public in the mid '80s.  
19 It's written by Peter Reid. It's a good book and a  
20 great read.

21 Q What year was that published?

22 A 1990.

1 Q Exhibit Number 67?

2 A "Harley-Davidson Motor Company: An  
3 Official 90 Year History." It was published in 1993  
4 and chronicles a lot of the historical aspects of  
5 the brand, everything from the image, logos, the  
6 usages, the bikes, the MotorClothes, the people, the  
7 racers.

8 It's really a vast history book.  
9 Celebrities are covered in here through the '90s.  
10 It talks about the buy-back and beyond. There's  
11 George Hamilton, Ann-Margret, Evel Knievel, just to  
12 name a few celebrities that are covered in here.

13 Q Exhibit 68?

14 A "Harley-Davidson Evolution Motorcycles."  
15 This is a book that was published in 2001. My  
16 recollection was that this is all just about the  
17 evolution motor vehicles. So evolution engine was  
18 launched in 19 -- about 1984, so this chronicles the  
19 evolution motor years.

20 "The Art of the Harley" is another book  
21 that was published --

22 Q Is that Exhibit 69?

1           A     It is Exhibit 69. Looks like it was  
2 published in 1998. This is more of a lifestyle book  
3 chronicling the art of Harley not only in  
4 motorcycles and parts and accessories and featuring  
5 MotorClothes, but tattoo art and the culture of  
6 tattoo art in motorcycles, motorcycling history, bar  
7 and shields registrations throughout.

8                     "90th Anniversary Yearbook" --

9           Q     Is that Exhibit 70?

10          A     This is Exhibit 70. This was  
11 published...obviously it was published in 1993  
12 because it commemorates the 90th anniversary.

13                     "The Big Book" --

14          Q     Exhibit 71? What logo is shown on the  
15 front of "The Big Book"?

16          A     That's the logo we were talking about  
17 earlier with the upswept wings, an eagle grabbing a  
18 bar and shield logo.

19          Q     As well as the words Harley-Davidson?

20          A     Harley-Davidson Motor Company logo.  
21 Again, here it is on the inside, Harley-Davidson  
22 Motorcycles logo, copyright 1991. This was -- for a

1 long time was, I think until Willie G. published his  
2 version, this was kind of the most accurate  
3 depiction of the Harley history through every decade  
4 up until the 1990s, so it is full.

5 Q Exhibit 72 and 73?

6 A This book is a German book. It was  
7 published in 1992, and it's a pretty good -- it's  
8 either German or Dutch. I think it's German. But  
9 it's --

10 Q It's written in English?

11 A No, it's written in German, but it's a  
12 good example of how revered the brand is. There's  
13 Arnold Swartzenegger riding in this. You know,  
14 classic example of Arnold Swartzenegger riding the  
15 Fat Boy in that book.

16 Another one was published in --

17 Q It's part 2, I think, of --

18 A -- 1992. Looks like a similar book. It  
19 is a similar book. Maybe it's just a different  
20 language.

21 Q So I'm handing you what's been marked  
22 Exhibit 74.



1           A     Exhibit 74 is "A Three-Dimensional Tribute  
2     to an American Icon." This was, interestingly  
3     enough, looks like it was a pop-up style book that  
4     chronicles the history of the company when it was  
5     first published, looks like 1998. Quite an  
6     interesting book.

7           Q     Exhibit 75?

8           A     This is the "Hundred Year History" book  
9     from the pen of the great grandson of the founder,  
10    Willie G. Davidson. It was published in 2002, and  
11    it gives a very personal, insightful and accurate  
12    history of the company dating back to 1903 from  
13    2003.

14          Q     So were all of these books available to  
15    the general public, with the exception of the German  
16    book?

17          A     Available to the general public and sold  
18    through Barnes & Noble -- I know the "Hundred Year  
19    History" book was available through Barnes & Noble  
20    book sellers in 2002 and 2003, as well as  
21    Harley-Davidson dealerships.

22                   MS. McLEOD: Can we go off the record.

1 THE WITNESS: "Well Made in America" was  
2 also widely distributed. The other thing is these  
3 are just a few of the books. We talked --

4 BY MS. McLEOD:

5 Q Are there many other titles that we don't  
6 have here that --

7 A There are, yeah.

8 Q -- cover the Harley-Davidson brand?

9 A One of the things that's missing in this  
10 stack of books is the fact that if you go open  
11 virtually any textbook on marketing for the last 20  
12 years you would find mention of Harley-Davidson  
13 advertising and the turn-around story of the company  
14 from the buy-back from AMF to its success through  
15 the '90s would be mentioned in almost virtually  
16 every marketing textbook because it's cited on  
17 college campuses and marketing curriculum as one of  
18 the most significant marketing victories for an  
19 American company ever.

20 MS. McLEOD: Okay. Can we go off the  
21 record.

22 (Discussion off the record.)

1 MS. McLEOD: No further questions.

2 (Deposition concluded at 2:48 p.m.)

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## SIGNATURE OF WITNESS

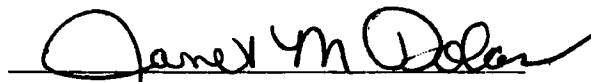
I, SCOTT BECK, certify that I have read my deposition given on Friday, June 13, 2008, in the case of H-D MICHIGAN, INC., v BRYAN BROEHM, and have attached my corrections hereto.



Scott Beck

State of Wisconsin )  
County of Milwaukee )

SUBSCRIBED and SWORN TO before me this 9<sup>th</sup> day  
of July, 2008.



NOTARY PUBLIC


My Commission Expires: 10/9/2011.

## ERRATA SHEET

To the Deposition of Scott Beck

The deponent having a right to make any changes deemed necessary, hereby, makes the following changes in the deposition and states the reason for each change accordingly.

<u>PAGE #</u>	<u>LINE #</u>	<u>CHANGE</u>	<u>REASON FOR CHANGE</u>
81	9	Company to Country	Wrong reference.

  
Deponent's Signature

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CERTIFICATE OF NOTARY

1  
2 STATE OF MICHIGAN )  
3 ) SS  
4 COUNTY OF INGHAM )

5 I, MICHELE E. FRENCH, a Notary Public in and for  
6 the above county and state, do hereby certify that  
7 the above deposition was taken before me at the time  
8 and place hereinbefore set forth; that the witness  
9 was by me first duly sworn to testify to the truth,  
10 and nothing but the truth; that the foregoing  
11 questions asked and answers made by the witness were  
12 duly recorded by me stenographically and reduced to  
13 computer transcription; that this is a true, full  
14 and correct transcript of my stenographic notes so  
15 taken; and that I am not related to, nor of counsel  
16 to either party nor interested in the event of this  
17 cause.

18 Dated:

Michele E French

19 Michele E. French, CSR-3091, RPR, CRR  
20 Notary Public, Ingham County, Michigan  
21

22 My Commission expires: December 2, 2011


U.S. Trademark Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Serial No. 78896325

Mark: 

Deposition of Scott Beck

Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

H-D MICHIGAN, INC.,  Opposer,  v.  BRYAN BROEHM,  Applicant.	Opposition No.: 91177156    Mark: Serial No.: 78896325 Filed: May 30, 2006
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**OPPOSER'S NOTICE TO TAKE DEPOSITION OF SCOTT BECK**

PLEASE TAKE NOTICE that Opposer H-D Michigan, Inc. ("H-D" or "Opposer") will take the deposition upon oral examination of Scott Beck, Director of Marketing and Promotions, Harley-Davidson Motor Co. before a Notary Public or another person qualified by law to administer oaths in accordance with Trademark Rule 2.123 and TBMP § 703.

The deposition shall commence at 9:00 a.m. on Friday, June 13, 2008, in the offices of H-D Michigan, Inc. located at 315 W. Huron, Suite 400, Ann Arbor, MI 48103.

The deposition will continue from day-to-day until completed. The deposition may be recorded by stenographic, audio, or other means. You are invited to attend and cross-examine, if so desired.

Dated: May 16, 2008

Respectfully submitted,



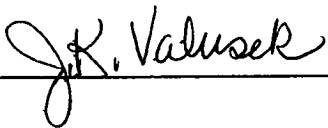
David M. Kelly  
Linda K. McLeod  
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Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Opposer's Testimony Deposition  
Exhibit No. 1 6-13-08 *Beck* *net*

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing OPPOSER'S NOTICE  
TO TAKE DEPOSITION OF SCOTT BECK was served by prepaid First Class mail and  
e-mail on May 16, 2008 on Applicant at the following addresses:

Bryan Broehm  
331 Gazetta Way  
West Palm Beach, FL 33413-1053  
webmaster@stainedillusions.com

  
\_\_\_\_\_

U.S. Trademark Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Serial No. 78896325

Mark:



Deposition of Scott Beck

Exhibit 2

**1903** 21 year old William S. Harley and 20 year old Arthur Davidson, with the help of Walter Davidson, build their first practical motorcycle in a wooden shed in the backyard of the Davidson home in Milwaukee,. Their first machine, sold to Henry Meyer of Chicago, reportedly went 100,000 miles through a series of five successive owners without a major repair. -.

**1904** The first Harley-Davidson Dealer, C.H. Lang of Chicago, IL opens for business and sells every motorcycle H-D makes that year.

**1905** On July 4th, an H-D motorcycle wins a 15 mile race in Chicago with a time of 19:02. In Milwaukee, the first full-time employee is hired.

**1906** A new factory, measuring 28x80 ft., is built on the Chestnut St. site, later renamed Juneau Avenue. Staff size is increased to six full-time employees. Also, the first motorcycle catalog is produced by the Company and the nickname "Silent Gray Fellow" is used for the first time.

**1907** William A. Davidson, brother to Arthur and Walter Davidson, quits his job as tool foreman for the Milwaukee Road railroad and joins the company.

**1907** Harley-Davidson Motor Company is incorporated on September 17th. The stock is split four ways between the four founders, and staff size has more than doubled from the previous year to eighteen employees. Factory size is doubled as well. Also begun is dealer recruitment, targeting the New England region.

**1908** Walter Davidson scores a perfect 1,000 points at the 7th Annual Federation of American Motorcyclists Endurance and Reliability Contest. Three days after the contest, Walter sets the FAM economy record at 188.234 miles per gallon. Word of Harley-Davidson's extremely tough motorcycle spreads rapidly.

**1908** The first motorcycle sold for police duty is delivered to the Detroit, MI police dept.

**1909** The six-year old Harley-Davidson Motor Company introduces its first V-twin engine powered motorcycle. With a displacement of 49.5 cubic inches, the bike provided seven horsepower. Though that initial V-twin motor was not successful, the image of two cylinders in a 45-degree configuration would fast become one of the most enduring icons of Harley-Davidson history. Also available for the first time from the Motor Company are spare parts for motorcycles.

**1910** The famed "Bar & Shield" logo is used for the first time. It is trademarked with the U.S. Patent office one year later.

**1910** At least 7 different first place finishes are captured across America at races, endurance contests and hillclimbs. All seven winners are riding Harley-Davidson motorcycles.

**1911** The "F-head" engine becomes a workhorse of the Harley-Davidson motorcycle until 1929.

**1912** Construction begins on what will become the six story headquarters and main factory building at Juneau Ave. in Milwaukee. A separate Parts and Accessories Department is formed.

**1912** H-D exports motorcycles to Japan, marking the first ever sales outside of the U.S. Dealer network has now grown to over 200 nationwide.

**1913** The Racing Department is formed, with William Ottaway as its first Assistant Engineer to racing engineer William S. Harley. Also, the Forecar

Opposition No. 91177156 *Beck*  
H-D Michigan, Inc. v. Bryan Broehm  
Opposer's Testimony Deposition  
Exhibit No. 2 *6-13-08 NEF*



delivery vehicle is offered for the first time.

**1914** Sidecars are made available to Harley-Davidson buyers. Clutch and brake pedals now available on f-head singles and twins.

**1914** The Motor Company also formally enters motorcycle racing this year. The first Racing Engineer is William S. Harley. Within a few short years, team Harley-Davidson is referred to informally as the "Wrecking Crew" because of their incredible dominance of the sport.

**1914** The Two-Speed rear hub transmission is introduced for two years only in the Model 10F. Patented by William S. Harley, it was effective but discontinued in order to further improve drivetrain function in 1915 with a three-speed design.

**1915** Harley-Davidson motorcycles are now available with three speed sliding-gear transmissions with final and primary drive on the same side.

**1916** *The Enthusiast* begins its reign as the longest continuously published motorcycle magazine in the world.

**1917** During this year, roughly one-third of all Harley-Davidson motorcycles produced are sold to the U.S. military. The Quartermasters School, a department of Harley-Davidson devoted to training military mechanics on Harley-Davidson motorcycles opens for business in July. The Quartermasters School would later become the Service School.

**1917** The sale of Harley-Davidson bicycles begins. Individual components are made by the Davis Sewing Machine Co. of Dayton, Ohio, and the bicycles are sold through the H-D dealer network.

**1918** Almost half of all Harley-Davidson motorcycles produced are sold for use by the U.S. military in World War I. At War's end, it was estimated that the Army used some 20,000 motorcycles in their efforts, most of which were Harley-Davidsons. One day after the signing of the Armistice, Corporal Roy Holtz of Chippewa Falls, WI, riding a Harley-Davidson, is the first American to enter Germany.

**1919** The 37 cubic inch opposed twin cylinder Sport Model is introduced and gains great popularity overseas. Unique not only for the cylinder configuration, a fore and aft opposed flat twin, the Sport earned a reputation for being uncommonly quiet.

**1920** By 1920, Harley-Davidson is the largest motorcycle manufacturer in the world. New Harley-Davidson motorcycles can be purchased from over 2,000 dealers in 67 countries worldwide.

**1920** Leslie "Red" Parkhurst breaks 23 speed records on a Harley-Davidson 61 cubic inch racing motorcycle. Also, the "hog" association starts when the racing team's mascot, a pig, is carried on a victory lap after each race won by the team.

**1921** The first 74 cubic inch V-twin engine is introduced on the JD and FD models. Also, Harley-Davidson dealerships are now found in sixty seven countries.

**1921** All eight National Championship races are swept by Harley-Davidson riders.

**1925** Gas tanks on all models now have a distinct teardrop shape. This basic appearance for Harley-Davidson motorcycles would never vary.

**1925** Joe Petrali begins racing for Harley-Davidson. Petrali would go on to be

one of the most successful dirt-track racers for Harley-Davidson, and one of the most successful racers of all time.

**1926** Single-cylinder motorcycles are sold by Harley-Davidson again for the first time since 1918. Models A, AA, B, and BA are available in side-valve and overhead-valve engine configurations.

**1928** The first Harley-Davidson two cam engines are made available to the public on the JD and JH series motorcycles. The bikes are capable of top speeds between 85 and 100 mph.

**1928** Front wheel brakes are now available on all Harley-Davidson motorcycles.

**1929** The 45 cubic inch V-twin engine (later to be known as the "flathead") is introduced on the D model. The engine proves to be so reliable that variations of it are available on Harley-Davidson motorcycles as late as 1973.

**1930** Bill Davidson, Jr. wins the Jack Pine endurance contest with 997 points of 1,000. All individual class winners are riding Harley-Davidsons.

**1931** All of Harley-Davidson's remaining American competition is now gone except Indian (Hendee Manufacturing). Indian and Harley-Davidson are the only two American motorcycle manufacturers until 1953.

**1932** The 45 cubic inch-driven three-wheeled Servi-car begins its 41 year run as a popular commercial and police vehicle.

**1932** In dirt track racing, Racer Joe Petrali begins a five-year consecutive streak of winning the AMA Grand National Championship. Petrali also wins the National Hill-Climb Championships for 1932 to 1935.

**1933** An art-deco "eagle" design is painted on all gas tanks. This marks the beginning of graphic designs on Harley-Davidson motorcycles (with the exception of previously special order-only paint schemes). This styling decision was made in part to stimulate the low sales numbers caused by the Great Depression.

**1935** The Japanese motorcycle industry is founded as a result of Harley-Davidson licensing blueprints, tools, dies and machinery to the Sankyo Company of Japan. The result is the Rikuo motorcycle.

**1935** Joe Petrali and his Harley-Davidson peashooter win all thirteen of the American Motorcycle Association National Championship dirt track races. Petrali breaks four records in the process.

**1936** Harley-Davidson introduces the EL, an overhead valve, 61 cubic inch powered bike. With increased horsepower and bold styling changes, the motorcycle quickly earned the nickname of "Knucklehead," due to the shape of its rocker boxes. The same year, the Motor Company introduced an 80 cubic inch side valve engine.

**1937** The first WL models are produced. Also, Joe Petrali sets a new land speed record on a modified Harley-Davidson 61 cubic inch overhead valve-driven motorcycle. Petrali is clocked at a speed of 136.183 miles per hour. The same day, he also breaks the record for 45 cubic inch engine motorcycles.

**1938** The Jack Pine Gypsies Motorcycle Club holds the first Black Hills Rally in Sturgis, South Dakota.

**1938** On the 3.2 mile beach course at Daytona, Ben Campanale wins the first of his two consecutive year victories at the Daytona 200 on a Harley-Davidson WLDR.

**1940** Babe Tancrede is the winner at the Daytona 200 this time, riding a WLDR model.

**1941** America is plunged into World War II. Production of civilian motorcycles is almost entirely suspended in favor of military production. The Service School is converted back to the Quartermasters School for the training of military mechanics.

**1941** The FL series premieres.

**1942** Among other motorcycles made for the Army, HD produces the unique XA 750, a motorcycle with horizontally opposed cylinders and shaft drive, designed for desert use. The contract is cancelled early due to war combat moving out of North Africa. Only 1,011 XA's are built.

**1943** Harley-Davidson receives the first of its four Army-Navy "E" Award for excellence in wartime production. Overseas, many American servicemen are getting their first exposure to Harley-Davidson motorcycles, something they would not forget when they would return stateside.

**1945** World War II ends, and Harley-Davidson has produced 90,000 WLA models for military use. Wasting no time, production of civilian motorcycles resumes in November.

**1946** Harley-Davidson introduces the 45 cubic inch flathead WR racing motorcycle, which proves to be one of the best racing motorcycles ever built.

**1947** Attendees at the year's Dealers Convention in Milwaukee were given a train ride to a "secret destination," which turned out to be a newly purchased plant on Capitol Drive. The plant was formerly the A.O. Smith Propeller Plant, created during the war. Harley-Davidson uses the plant as a large machine shop, shipping the new parts to Juneau Ave. for final assembly.

**1947** Harley-Davidson begins selling what was to become the classic black leather motorcycle jacket.

**1947** Harley-Davidson dirt track racer Jimmy Chann wins the first of three consecutive AMA Grand National Championships.

**1948** New features are added to the 61 and 74 overhead valve engines, including aluminum heads and hydraulic valve lifters. Also new were the one piece, chrome plated rocker covers shaped like cake pans. The nickname "Panhead" only seemed logical.

**1948** Production of U.S. made lightweight motorcycles begins with the model S. Various versions will be sold until 1966

**1949** Hydraulic front forks first appear on the new Hydra-Glide models.

**1950** Larry Headrick wins the AMA Grand National Championship for Harley-Davidson in dirt track racing.

**1950** Harley-Davidson riders won 18 of 24 National Championships and set six new racing records.

**1952** The side-valve K model is introduced with an integrated engine & transmission to compete with smaller, sportier motorcycles coming mainly from Great Britain. The K will eventually evolve into the Sportster.

**1953** Harley-Davidson celebrates its 50th Anniversary in style. An attractive logo was created, depicting a "V" in honor of the engine which had brought the Company so far, with a bar overlaid reading "Harley-Davidson" and the words,

above and below, "50 years--American made." A medallion version of this logo was placed on the front fenders of the 1954 models.

**1953** Hendee Manufacturing, the creator of the Indian motorcycle, goes out of business. Harley-Davidson would be the sole U.S. motorcycle manufacturer for the next 46 years.

**1954** Dirt track racer Joe Leonard wins the AMA Grand National Championship. Over the next eight years, the Grand National Championship will be won by Harley-Davidson racers.

**1955** This year begins a seven-year consecutive run of victories at the Daytona 200. The victories will be shared by racers Brad Andres, Johnny Gibson, Joe Leonard and Roger Reiman. All rode Harley-Davidson KR models. Reiman's victory in 1961 is on the new speedway course.

**1956** The new young star Elvis Presley poses for the cover of the May *Enthusiast* sitting on his new 1956 model KH.

**1957** The motorcycling public met a new motorcycle called the Sportster. It premiered as a 55 cubic inch overhead valve engine, and within one year of its debut, became known as the first of the "Superbikes." Another Harley-Davidson tradition and legend was born.

**1958** The first rear brakes and hydraulic rear suspensions appear on the Duo-Glide.

**1958** Racer Carroll Resweber wins the first of four consecutive AMA Grand National Championships.

**1960** The Harley-Davidson Topper motor scooter is introduced and is the only scooter platform the Motor Company ever produced.

**1960** Harley-Davidson purchases a half interest in Aeronautica-Macchi, forming Aermacchi Harley-Davidson, a European division that will produce small, single cylinder motorcycles.

**1960** In this year of Brad Andres' 1st place finish at the Daytona 200, the top 14 finishers of the race are riding Harley-Davidson 750 KR models.

**1962** Harley-Davidson purchases 60 percent of the stock in the Tomahawk Boat Manufacturing Company. H-D recognizes the rising relevance of fiberglass in motorcycle production, and begins manufacturing its own components. As a result, the Tomahawk Division is established and is operational as a Harley-Davidson facility by 1963.

**1963** Ralph White resumes the winning of the Daytona 200 for Harley-Davidson, again on a 750 KR motorcycle.

**1964** Roger Reiman wins the AMA Grand National Championship for Harley-Davidson. Reiman also wins the first of back to back Daytona 200 victories on a 750 KR.

**1964** The three-wheeled Servi-Car becomes the very first Harley-Davidson motorcycle to receive an electric starter.

**1965** The Electra-Glide replaces the Duo-Glide and is updated with electric starter. The Electra Glide was first FL available with electric start, and the Sportster line would receive electric starters soon after.

**1965** In a Streamliner powered by a 250cc Sprint CR racing engine, George Roeder shatters the speed records for Class A and Class C runs, averaging 177

miles per hour.

**1965** Harley-Davidson dirt track racer Bart Markel wins the AMA Grand National Championship both in 1965 and 1966.

**1966** The first of the "Shovelhead" engines is introduced on the Electra-Glide models, replacing the Panhead.

**1968** Cal Rayborn wins the first of two back-to-back victories at the Daytona 200 on a 750 KR model, averaging over 100 miles per hour.

**1969** Harley-Davidson merges with the American Machine and Foundry Company (AMF), a longtime producer of leisure products.

**1969** Mert Lawill wins the AMA Grand National Championship for team Harley-Davidson in dirt track racing.

**1970** In consideration of new AMA rules for Class C racing, a new Sportster-based motorcycle, the XR 750 racer is introduced.

**1970** Near Wendover, Utah on the Bonneville salt flats, racer Cal Rayborn breaks the world record for land speed set by a motorcycle. The vehicle was a sixteen foot streamliner powered by a single Sportster engine, and averaged just over 265 miles per hour.

**1971** In response to the customizing craze, Harley-Davidson introduces the FX 1200 Super Glide, which combined a sporty front end (similar to that of the XL series) with the frame and powertrain of the FL series. A new class of motorcycle, the cruiser, is born.

**1971** First year of snowmobile production.

**1972** The new, more powerful, more reliable aluminum alloy XR-750 debuts. It becomes the dominant dirt track racer through the next three decades. Dirt track racer Mark Brelsford wins the AMA Grand National Championship on the XR-750 this year.

**1973** Motorcycle production is upgraded when all assembly operations are moved to a modern 400,000 square foot plant in York, Pennsylvania. All other production operations remain in Milwaukee and Tomahawk. The Capitol Drive plant in Milwaukee begins production of engines.

**1975** The first of four more consecutive years of Harley-Davidson AMA Grand National Championships in dirt track racing. Gary Scott wins in 1975. The following three years are won by racing legend Jay Springsteen.

**1977** Harley-Davidson introduces the FXS Low Rider to the public in Daytona Beach. With drag style handlebars, unique engine and paint treatments, the Low Rider also lived up to its name by placing the rider in a lowered seating position than was typical. Later in the same year, Willie G.'s dynamic version of the Sportster, the Cafe Racer, also was released. The XLCR Cafe Racer's styling laid black on black and included significant performance upgrades.

**1978** Scott Parker begins racing for team Harley-Davidson on the AMA dirt track circuit. Parker goes on to be the most successful racer in Harley-Davidson history, accumulating 93 career victories and, more incredibly, winning 9 Grand National Champion titles in a 10 year period.

**1980** Harley-Davidson debuts the FLT with its vibration dampening, rubber-isolated drivetrain and unique trailing front fork. The FLT would eventually evolve into the touring bikes of today.

**1980** A kevlar belt replaces the chain as the final drive on the new FXB Sturgis. The belt is cleaner running, and needs less adjustments and maintenance. Shortly, belt final drive is on all Harley-Davidson motorcycles.

**1980** The AMA Grand National Championship in dirt track racing once again goes to a Harley-Davidson racer, this time, Randy Goss.

**1981** On February 26, thirteen Harley-Davidson senior executives sign a letter of intent to purchase Harley-Davidson Motor Company from AMF. By mid-June, the buyback is official, and the phrase "The Eagle Soars Alone" becomes a rallying cry.

**1981** The Materials As Needed (MAN) application is introduced to production. Generally, this means that parts and raw materials are purchased and built only as they are required. This dramatically lowers production costs and improves quality.

**1982** More innovations demonstrate a new commitment to quality, such as the FXR Super Glide II with its rubber-isolated five-speed powertrain and the new Sportster's welded and stamped frame.

**1982** The top three finishers in the AMA Grand National Championship are Ricky Graham, Jay Springsteen in second place and Randy Goss in third place. This begins a three year consecutive run of dirt track Championship wins for Harley Davidson. Goss takes the Championship in 1983, and Graham again in 1984.

**1983** Harley-Davidson successfully petitions the International Trade Commission (ITC) for tariff relief, which was granted April 1, 1983. The tariff, scheduled to end five years later, was placed on all imported Japanese motorcycles 700cc or larger as a response to Japanese motorcycle manufacturers which had been stockpiling inventories of unsold motorcycles in the United States.

**1983** One of Harley-Davidson's most unique endeavors begins: Harley Owners Group. Fondly referred to as H.O.G., the Group immediately becomes the largest factory-sponsored motorcycle club in the world. Within six years, H.O.G. membership had soared to more than 90,000. By the year 2005, it has nearly one million members.

**1983** Dirt track racer Randy Goss wins the AMA Grand National Championship this year.

**1984** Harley-Davidson unveils the 1340cc V<sup>2</sup> Evolution engine on five models including the all new Softail. The result of seven years of development, the Evolution engine produced more power at every speed. It also ran cooler, cleaner and was oil-tight. Also witnessed is the debut of the Softail design, the trend-setting method of "hiding" the motorcycle's rear shock absorbers.

**1986** In another bold styling and engineering move, Harley-Davidson releases the Heritage Softail.

**1986** The Motor Company goes public and is listed on the American Stock Exchange. This is the first time Harley-Davidson is publicly traded since 1969, the year of the AMF merger.

**1986** The Sportster motorcycle line receives the Evolution V-twin engine.

**1986** To diversify its holdings, Harley-Davidson purchases Holiday Rambler Corporation, producer of quality motor homes.

**1987** Harley-Davidson is now listed on the New York Stock Exchange.

**1987** Harley-Davidson makes both business and American history. H-D petitions the International Trade Commission for early termination of the five-year tariffs on heavyweight motorcycles. In effect, the move demonstrated confidence in H-D's ability to compete in the marketplace. **1987** Harley-Davidson begins the "Buy Back Program," for the XLH 883 Sportster, which offers full trade-in value within two years on either a model FL or FX.

**1988** The springer front end returns in the FXSTS Springer Softail. Also introduced is the Sportster 1200. Harley-Davidson celebrates its 85th Anniversary with a Homecoming in Milwaukee attended by over 60,000 enthusiasts.

**1988** The Harley-Davidson Traveling Museum hits the road, displaying memorabilia, classic Harley-Davidson motorcycles and the rich history of the Harley-Davidson rider.

**1988** Scott Parker wins the first of his nine AMA Grand National Championships in a 10 year period. This record of success by a single racer is unprecedented in the history of the sport of dirt track motorcycle racing.

**1990** Upon its introduction, the FLSTF Fat Boy almost instantaneously becomes a modern legend of motorcycle design.

**1991** Installation begins on the \$31 million state of the art paint facility at the York, PA factory. It becomes fully operational in 1992.

**1991** The Dyna line of motorcycles is inaugurated with the 1991 FXDB Dyna Glide Sturgis.

**1993** Harley-Davidson celebrates its 90th Anniversary in Milwaukee with a motorcycle parade and Family Reunion. An estimated 100,000 enthusiasts attend. **1993** Harley-Davidson buys a minority interest in the Buell Motorcycle Company. Erik Buell began the Company as a manufacturer of American sport motorcycles using Harley-Davidson XL 883 and 1200 engines.

**1994** Harley-Davidson enters Superbike racing with the introduction of the VR1000, a dual overhead cam, water cooled motorcycle.

**1994** The classically-styled FLHR Road King is introduced.

**1995** The 30th Anniversary Ultra Classic Electra Glide becomes the first production Harley-Davidson motorcycle to include sequential port fuel injection.

**1996** The new, state-of-the-art Parts and Accessories Distribution Center opens in Franklin, Wis. By the beginning of 1997, all inventory was moved from the original warehouse at Juneau Avenue to the new 250,000-square-foot facility.

**1997** A new 217,000 square foot Product Development Center opens next door to the Capitol Drive plant in Milwaukee. The building is dedicated to Willie G. Davidson.

**1997** Powertrain Operations at Capitol Drive expanded its capacity by moving FL engine and transmission production to a newly purchased plant located in Menomonee Falls. XL engines and transmissions, as well as Genuine Parts Manufacturing, remain at Capitol Drive.

**1997** The new 330,000 square foot plant in Kansas City produces its first Sportster.

**1998** Harley-Davidson celebrates its 95th Anniversary. 140,000 plus riders are

warmly received by Milwaukee to help with the celebration.

**1998** The first modern assembly operations outside of the United States opens at the new Sao Paulo, Brazil facility.

**1998** Harley-Davidson buys another 49% interest in Buell Motorcycle Company, a controlling interest. Erik Buell is named Chairman of Buell operations.

**1999** All 1999 Dyna and touring models receive the new Twin Cam 88 engine.

**2000** Buell introduces the Blast, a single-cylinder motorcycle for the 2000 model year. The Blast receives excellent reviews. Introduced in tandem is the Rider's Edge Academy of Motorcycling, a beginner's rider course available through Harley-Davidson and Buell dealerships.

**2000** The FXSTD Softail Deuce is introduced to the immediate delight of riders and the motorcycle media.

**2000** The 2000 model year Softails are outfitted with the Twin Cam 88B, a counterbalanced version of the Twin Cam 88.

**2000** Fuel injection is unveiled as a feature new to the Softail line of motorcycles for the 2001 model year.

**2001** Harley-Davidson announces the release of the VRSCA V-Rod for the 2002 model year, its first ever water-cooled, dual overhead cam street motorcycle. The V-Rod derives its engine design from the VR-1000 racing motorcycle. It becomes the most awarded motorcycle in history

**2001** Seventeen year old Jennifer Snyder becomes the first female member of the Harley-Davidson factory dirt track racing team

**2002** Scott Parker retires with nine AMA Championship titles and 93 wins

**2002** Harley-Davidson teams with Vance and Hines to field a Pro Stock Screamin' Eagle dragracing team based on the V-Rod

**2002** Harley-Davidson begins its 14-month, worldwide celebration of its 100<sup>th</sup> anniversary with the debut of the Open Road Tour in Atlanta

**2002** Buell unveils the revolutionary XB9R Firebolt with fuel in the frame and oil in the swingarm to widespread acclaim

**2002** A brand new, larger Traveling Museum hits the road with Harley-Davidson history, heritage, vehicles and memorabilia

**2003** For the first time, all models are anniversary models with badges and logos commemorating the event

**2003** The 100<sup>th</sup> Anniversary Open Road Tour makes its last of ten worldwide stops in Milwaukee over Labor Day weekend and is attended by approximately a quarter million celebrants.

**2004** The Sportster line receives a major facelift along with a new vibration-isolated drivetrain

**2004** The Screamin' Eagle drag race team wins its first Pro Stock Championship

**2005** Harley-Davidson purchases a 20 acre plot of land near downtown Milwaukee as a site for its new Museum



**2006** The first of the 6-speed transmissions are made available on 2006 model year Dyna motorcycles. Also joining the Dyna family is the FXDB/I Street Bob.

**2006** The 2006 model year includes the all new FLHX/I Street Glide, a lower profile touring motorcycle.

**2006** Harley-Davidson unveils its plans for a new Museum in Milwaukee, scheduled for opening in 2008.

**2006** Harley-Davidson appoints Beijing Feng Huo Lun (FHL) as the first authorized Harley-Davidson dealer on mainland China.

**2007** At the ground breaking ceremony, dirt track racer Scott Parker, riding a Sportster 883R, tore up ground at the future site of the Harley Davidson Museum.

**2007** Harley-Davidson introduces a new member into the Sportster family, the XL 1200N Nightster. It is a factory custom motorcycle marketed to a younger audience.

**2008** Harley-Davidson introduces two new softail models: the Crossbones/FLSTSB and the Rocker/FXCW.

**2008** Harley-Davidson celebrates its 105<sup>th</sup> anniversary with a two day celebration at Milwaukee's Festival Park.

**2008** Harley-Davidson opens the long anticipated Harley-Davidson Museum in the heart of the Menominee Valley in Milwaukee.

**2008** Buell Motorcycle Company and the Harley Owner's Group (H.O.G.) both celebrate their 25<sup>th</sup> anniversaries.

**2008** Harley-Davidson releases the XR1200 Street bike in Europe, the Middle East and Africa. The XR1200 is designed for the European market and is not initially released in the United States.

U.S. Trademark Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Serial No. 78896325

Mark: The logo is a circular emblem with a dark background. It features the word "JESUS" at the top, "HOLY MESSIAH" in the center, and "CHRIST" at the bottom, all in a light-colored, serif font.

Deposition of Scott Beck

**Exhibit 3**

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
HARLEY	1352679 08-06-1985	03-28-1982	Motorcycles
HARLEY	1406876 08-26-1986	12-00-1981	Clothing; namely--T-shirts for men, women and children; knit tops for women and girls; and children's shirts
HARLEY	1683455 04-14-1992	12-00-1989	Shirts, tank tops, boots, and sweatshirts
HARLEY	1708362 08-18-1992	00-00-1989	Embroidered patches for clothing
HARLEY	2118687 12-09-1997	10-00-1993	Sandwiches
HARLEY	2120748 12-16-1997	10-00-1993	Roasted chicken and chili
HARLEY-DAVIDSON	507163 03-01-1949	12-15-1915	Motorcycle shirts, sweaters, breeches, neckties, coveralls, rain coats and hats, jackets, helmets, caps and boots
HARLEY-DAVIDSON	508160 04-05-1949	12-01-1919	Motorcycle generators and spare parts for same, wiring and wiring harnesses for motorcycles, switches, switch panels and spare parts for same, electric lamps and spare parts for same, electric lamp mountings and spare parts for same, storage batteries and spare parts for same, spark plugs, electric signs
HARLEY-DAVIDSON	518062 11-29-1949	00-00-1907	Parts catalogs and lists, accessory catalogs and lists, and instruction books and handbooks
HARLEY-DAVIDSON	519875 01-17-1950	12-01-1911	Synthetic enamels, and liquid polish and cleaner for use on motorcycles and other enameled surfaces
HARLEY-DAVIDSON	522500 03-21-1950	00-00-1923	Pins
HARLEY- DAVIDSON	522501 03-21-1950	12-01-1911	Lubricating oils and greases
HARLEY-DAVIDSON	539805 03-27-1951	01-01-1911	Knives, screw drivers, wrenches
HARLEY-DAVIDSON	947170 11-14-1972	06-15-1969	Model kits of motorcycles
HARLEY-DAVIDSON	1078871 12-06-1977	00-00-1906	Vehicles-namely, motorcycles



Opposition No. 91177156  
 H-D Michigan, Inc. v. Bryan Broehm  
 Opposer's Testimony Deposition  
 Exhibit No. 3 *Beck* 6-13-02 *me*

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
HARLEY-DAVIDSON	1219955 12-14-1982	00-00-1907	Parts and service manuals for motorcycles, parts catalogs for motorcycles, newsletters and magazines dealing with motorcycles, calendars, posters, and decals
HARLEY-DAVIDSON	1223355 01-11-1983	00-00-1923	Jewelry-namely, necklaces, pins, finger rings and earrings
HARLEY-DAVIDSON	1230734 03-15-1983	00-00-1953	Motorcycle brake fluid and engine treatment additives
		12-01-1911	Paint
		12-01-1911	Motorcycle cleaners and polish
		12-01-1911	Lubricating Oil and Grease
HARLEY-DAVIDSON	1234404 04-12-1983	12-15-1915	Sunglasses and protective helmets for motorcyclists
		12-15-1915	Clothing-namely, jackets, pants, shirts, t-shirts, vests, jeans, riding suits, bandannas, rain suits, shorts, nightgowns, halter, underwear, tank tops, sweatshirts, night shirts, socks, gloves, hats, caps and boots
HARLEY-DAVIDSON	1255091 10-25-1983	00-00-1939	Motorcycle parts, made of metal-namely, crankcase dowel pins, oil pump dowel pins, cotter pins, clevis pins, hose clamps, clutch cable clamps, brake line clamps, master cylinder clamps, handle bar clamps, license plate bracket clamps, exhaust system clamps, cable couplings, metallic nuts, bolts, screws, brackets, studs, spacers, washers for motorcycle parts, bushings, o-rings, and brake hose seats and spring clips
		12-01-1919	Motorcycle electrical parts-namely, spark plugs; ignition wires; breaker points; condensers; coils; ignition switches; motorcycle parts-namely, piston pins, piston rings, carburetor float pins, carburetor jet plugs and carburetor adjusting screws;
		12-01-1919	Motorcycle engine gauges, speedometers, thermometers, thermostats, radios, motorcycle electrical parts-namely, batteries,


Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
		<p>12-01-1919</p> <p>00-00-1911</p>	<p>electrical wires and wiring harnesses, battery chargers, electrical wire terminals, battery and grounding cables, lenses, magnets, armatures, circuit breakers, switches, turn signals and indicators, connectors, voltage regulators, ignition system pin plugs, socket terminal pins, single socket pins, ignition system clamps, and grounding straps; motorcycle parts-namely, reflectors and instrument panels brake control stoplight switches thereto;</p> <p>Motorcycle electrical parts-namely, lamps and lights;</p> <p>Motorcycle parts-namely, starter motor brushes, starter motors, horns and starters, cylinders, cylinder heads, valves, rocker arms, flywheel shafts, sprocket shafts, gear shafts, rocker arm covers, transmission shafts, push rod covers, crankcase gear covers, crankcase covers, oil pump covers, air cleaner covers, coil covers, ignition system covers, starter motor covers, cable covers, transmission covers, master cylinder covers, front fork covers, side frame covers, shock absorber covers, shock absorber stud covers, clutch covers, chain housing covers, engine instrument covers, solenoid switch covers, valve collars, valve keys, crank pin rollers, lock rings, bearings, bearing rollers and bearing retainers used in starters, transmissions, clutches, wheels, forks and chain housings, flywheels, flywheel lock plates, sprockets, gear shaft lock plates, starter housing pins, crankcase bearings, bearing rollers and bearing retainers, crank case plugs, oil plugs, oil pump plugs, engine bearing shims, cams, cam followers, shifter adjusting screws, starter levers, pivot pins, gear shifter roll pins, clutch control pivot pins and cable anchor pins, and push rod pins, brake control lever pivot pins, brake caliper guide pins, frame and fork pins, chain housing pins, starter pins and roll pins, crank pins, shift lever pivot pin plugs, transmission plugs, handle bar, and throttle control plugs, headlamp bracket plugs, chain cover plugs, oil tank plugs, engine instrument plugs, brake mounting plates, sissy bar mounting plates, foot rest mounting plates, rocker arm assembly caps, fork caps, axle caps, frame and</p>

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
		00-00-1939	fork end caps, transmission gears, motorcycle engine drive gears, starter gears, exhaust pipes, oil separator deflectors, oil pumps, wheel weights, shift levers, carburetor housings, starter shaft housings, transmission housings, headlamp housings, chain housings, handle bar switch housings, shifter collars, shifter forks, pawls for gear shifters, clutch hubs, sprockets, clutch releasing discs, clutch drive plates, adjusting screws for cables, clutch cable straps, oil lines sleeves, wheel bearing sleeves, starter gear shift levers, choke levers, drive chains, chain links, wheels, axles, brake discs, brake pads, brake calipers, clevises, brake master cylinders, hydraulic fluid line connectors-namely, tees, brake pedals, axle caps, fork stems, forks, foot rests, frames, stands, bumpers, seats, shock absorbers, handle bars, handle bar grips, clutch cables, throttle cables, windshields, fairings, mirrors, fenders, chain guards, gas tanks, oil, air and fuel filters, seat grab straps, cable straps, hose straps, mufflers, exhaust pipes, mud flaps, highway pegs, luggage carriers, air scoops, air cleaners, body trim, wind deflectors, oil coolers, backrests, luggage attachment cords and motorcycles;
HARLEY-DAVIDSON	1311457 12-25-1984	00-00-1905	Non-metal hardware-namely, gaskets, nuts, bolts, screws, bushings, o-rings, seals, and brake boots; and motorcycle electrical parts-namely, insulators
HARLEY-DAVIDSON	1450348 08-04-1987	01-00-1982	Repair and servicing of motorcycles; retail store services in the field of motorcycles
		00-00-1984	Metal articles, namely, key fobs, key chains, and license plate holders
		00-00-1933	Knife sheaths
		10-00-1975	Necklaces, earrings, pins of non-precious metals, clocks and watches
			Children's books, bumper stickers, removable tattoos, pressure sensitive decals, checkbook covers, and playing cards




Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
		10-00-1976	Leather goods, namely, purses, wallets, duffie bags, motorcycle saddle bags, and key fobs
		10-00-1978	Mirrors
		10-00-1975	Mugs, drinking glasses, coasters, decanters, cups, and plastic mugs
		01-00-1986	Towels, bed spreads
		08-00-1947	Sweat pants, sweaters, suspenders, scarves, bandanas, leather clothing, namely, jackets, vests, gloves, jeans, chaps, tops, boots, shorts, caps, belts, and parts of footwear, namely boot tips
		06-16-1969	Stuffed toy animals, toy banks, model kits
HARLEY-DAVIDSON	1471644 01-05-1988	00-00-1933 08-00-1986	Cigarette cases, lighter cases, cigarette lighters Extension of consumer credit via credit cards
HARLEY-DAVIDSON	1510786 11-01-1988	05-00-1987	Cassette tape players, radio receivers
HARLEY-DAVIDSON	1578497 01-23-1990	08-10-1988	Cologne
HARLEY-DAVIDSON	1590042 04-03-1990	01-00-1983	Games, toys, and playthings, namely model trucks, toy banks, motorcycle replicas, stuffed animals and model trains
HARLEY-DAVIDSON	1594879 05-08-1990	01-13-1982	Motorcycle parts, namely ignition sensors, ignition modules, carburetors and parts therefor, motorcycle parts, namely oil tank gages and cruise control components, namely servo controls, cruise control switches, cruise control modules, cable assemblies, control levers, and parts therefor, motorcycle parts, namely rear forks, belts, sprockets, connecting rods, transmission cases, engine assemblies, oil pump assemblies, drive belts, cam gears, turn signals, crank cases, transmission assemblies, transmission covers and gears, pivot shafts, footboards, gas tank medallions and fairings





Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
HARLEY-DAVIDSON	1602474 06-19-1990	00-00-1981	Belt buckles
HARLEY-DAVIDSON	1603741 06-26-1990	00-00-1975	Books, manuals, and catalogs dealing with motorcycles, motorcycle parts, and accessories; playing cards
HARLEY-DAVIDSON	1606282 07-17-1990	00-00-1981	Safety goggles, protective helmets and sunglasses
HARLEY-DAVIDSON	1610377 08-21-1990	00-00-1981	Locks, and keyfobs
HARLEY-DAVIDSON	1610396 08-21-1990	00-00-1981	Pewter spoons, sport and folding knives and knife cases
HARLEY-DAVIDSON	1621383 11-06-1990	00-00-1986	Model toy motorcycles, miniature motorcycle replicas, model toy trucks, electronically operated toy motorcycles and snow sleds
HARLEY-DAVIDSON	1708418 08-18-1992	11-15-1989	Pool and billiard cues and cases therefor
HARLEY-DAVIDSON	1716693 09-15-1992	01-00-1984	Entertainment services in the nature of motorcycle rallies
HARLEY-DAVIDSON	2281489 09-28-1999	07-00-1990 00-00-1981	Restaurant and bar services Necklaces, bracelets, tie tacks and watch bands
HARLEY-DAVIDSON	2496088 10-09-2001	03-01-2000	Arranging travel tours and rental of motorcycles
HARLEY-DAVIDSON	2921245 01-25-2005	00-00-1995	Telephones, cellular telephones and cellular telephone covers
	1205380 08-17-1982	6-16-1981	Motorcycles; clothing-namely, T-shirts
	1263936 01-17-1984	06-10-1978	Oil tank trim, medallions
		00-00-1933	Sunglasses, protective motorcycle crash helmets and luminous signs


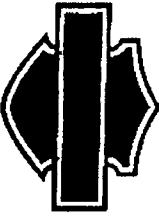

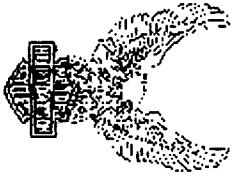



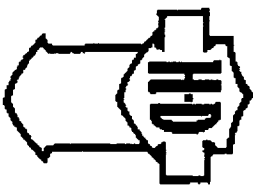


Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
	1660539 10-15-1991	00-00-1947	Electric lamps
		00-00-1966	Sissy bars, fuel door plates, oil cooler covers, motorcycle tank, bucket seats, clutch covers, leather motorcycle bags and motorcycles
		07-03-1977	Jewelry-namely, necklaces, rings and key fobs
		02-15-1978	Posters, paper decals
		11-04-1977	Wallets
		00-00-1975	Decorative wall plaques and mirrors
		00-00-1975	Mugs and insulated drinking steins
		08-14-1977	Towels
		09-06-1977	Clothing-namely, T-shirts, jackets, blue jeans, sweat shirts, underwear, nightshirts, bandanas, headwear, socks, boots, cycle riding suits, aprons, belts and suspenders
		00-00-1936	Embroidered patches, belt buckles all of non-precious metals
		00-00-1933	Ash trays and cigarette lighters
		00-00-1981	Knives; namely, buck knives, sporting and hunting knives, folding pocket knives, knife cases therefor, and tool kits comprising wrenches and pliers
		00-00-1981	Sunglasses, and motorcycle parts; namely, gauges, ignition modules, wiring turn signals, batteries, cruise controls, and vacuum switches
		00-00-1981	Flashlights

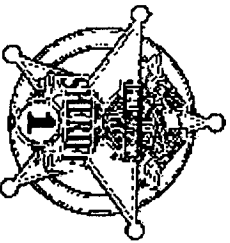
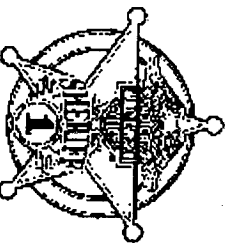
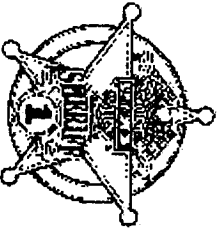
Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
		00-00-1981	Motorcycles and motorcycle parts; namely, horns, air cleaners, drive belts, belt guards, brakes, brake calipers, brake controls, cam gears, chains, chokes, drive trains, clutches and clutch controls, connecting rods, rocker arm covers, crankcases, engine cylinders, exhaust system parts, fenders and fender supports, flywheels, footboards, forks, fork rockers, frame parts, fuel tanks, leg guards, gear shifters, handlebars, cylinder heads, mirrors, oil filters, oil pumps, oil tanks, push rods, rocker arms, seats, shock absorbers, backrests, stabilizer links, tappets, throttle controls, valves, wheels, and windshields
		00-00-1981	Ankle bracelets, bracelets, earrings, necklaces, rings, tie tacks, watch bands, watches, wall clocks, ornamental lapel pins, and stick pins
		00-00-1981	Books about motorcycles, calendars, decals, pens, photo albums, posters, and removable tattoos
		00-00-1981	Holders for cans in the nature of a rubber cylinder, duffie bags, garment bags, key cases, key fobs, denim purses, suitcases, and wallets
		00-00-1981	Wall mirrors and wall plaques
		00-00-1981	Pewter decanters, drinking glasses, mugs, pewter drinking steins, shaving brushes, shaving mugs, and can holders in the nature of an insulated rubber cylinder
		00-00-1988	Towels
		00-00-1981	Belts, decorative boot straps, leather bandanas, boot tips, chaps, coveralls, denim pants, gloves, halter tops, hats, caps, heel guards,

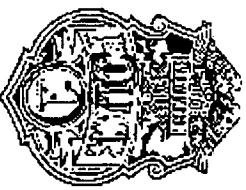
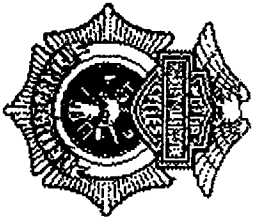
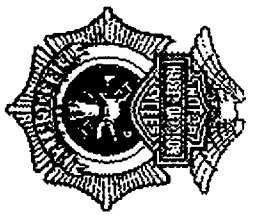
Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
			heel spurs, jackets, neckties, night gowns, night shirts, pants, rain suits, shirts, socks, sole plates, suspenders, sweaters, sweatshirts, tank tops, athletic shoes, shoes, boots, t-shirts, underwear, vests, and wristbands
		00-00-1981	Belt buckles not made of precious metal, boot chains, and embroidered patches for clothing
		00-00-1981	Automobile floor mats
		00-00-1988	Toy trucks
		02-00-1983	Beer
	1711882 09-01-1992	00-00-1977	Lighter holders, ashtrays, cigarette cases, lighter cases, lighters, snuff can holders, all of the foregoing not being made of precious metal, and cigarettes
	2660205 12-10-2002	12-31-1989	Embroidered patches for clothing
			Education and entertainment services, namely, providing presentations, exhibitions and guided informational tours related to the experience of motorcycling
		07-19-1990	Restaurant services
	3058720 02-14-2006	10-00-1981	Retail store services and distributorships in the fields of motorcycles, motorcycle parts and accessories, footwear, clothing, jewelry, and leather goods; rendering technical assistance in the establishment, operation, and business promotion of retail stores; retail store services in the fields of motorcycles, motorcycle parts and accessories, footwear, clothing, jewelry, and leather goods therefor

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
	3393839 3-11-08	00-00-1981	via a global computer network; dealerships in the fields of motorcycles, motorcycle parts and accessories, footwear, clothing, jewelry, and leather goods.
	1571032 12-12-1989	09-00-1988	Clothing, namely, jeans, T-shirts and jackets
	1311460 12-15-1984	00-00-1910	Repair and servicing of motorcycles; retail store services in the field of motorcycles
	2376674 8-15-2000	00-00-1996 00-00-1997 00-00-1998 00-00-1992	Metal locks Motorcycle parts, namely, spark plugs Optical and safety equipment, namely, sunglasses and motorcycle helmets Motorcycle parts, namely mirrors, chains, drive belts made of rubber, swing arm pivot covers, axle nut covers, handgrips, oil pump covers, air cleaner covers, derby covers, caliper covers, seats, brake pedals, motorcycle saddlebags, saddlebag liners, fender covers and fender tips
		00-00-1992	Jewelry



Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
	1741456 12-22-1992	00-00-1990 00-00-1997	Leather goods, namely, traveling bags and saddlery Leather gloves Embroidered patches and belt buckles not of precious metal
	1511060 11-01-1988	09-06-1977	Clothing, namely, boots, sweat shirts, jeans, hats, caps, scarves, motorcycle riding suits, neck ties, shirts, t-shirts, jackets, vest, ladies tops, bandanas, and sox
	1913992 8-22-1995	7-00-1990	Restaurant and bar services
	1224868 1-25-1983	10-00-1978 10-00-1975 10-00-1976 10-00-1975	Cigarette Lighters. Clothing-Namely, Jackets, T-Shirts, Tank Tops, Halters, Panties, Sweat Shirts, Bandannas, Hats, Caps, Boots, and Motorcycle Riding Suits. Drinking Cups and Mugs. Wallets. General Purpose Decals, Decorative Items for Motorcycles-Namely, Decals, and Metallic Foil Decals.

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
	2406156 11-21-2000	10-00-1975	Key Ring Fobs and Jewelry-Namely, Necklaces.
		07-00-1975	Vehicles-Namely, Motorcycles and Motorcycle Structural Parts, and Decorative Items for Motorcycles-Namely, Motorcycle Covers for Engine and Transmission Openings, and Fitted Motorcycle Covers.
		10-00-1975 10-00-1975	Decorative Items for Motorcycles-Namely, Medallions.
	1541652 5-30-1989	10-00-1983	Belt Buckles and Stick, Lapel, and Hat Pins, All of Nonprecious Metals, and Decorative Cloth Patches.
			Jackets, shirts, skirts, gloves, vests, chaps, mittens, scarves, boots, shoes, caps, hats, belts, bootstraps, pants, pajamas, nightgowns, ladies' later tops, bandanas, rain suits, neckties, jeans, underwear, coats, and sweaters.
	2725495 6-10-2003	01-31-2002	Travel bags, handbags, purses.
			Clothing, namely, boots, sweat shirts, jeans, hats, caps, scarves, motorcycle riding suits, neck ties, shirts, t-shirts, head bands, jackets, vests, ladies underwear and tops, bandanas, scarves and socks.
	2725495 6-10-2003	01-31-2002	Ornaments for clothing not of precious metal, belt buckles not of previous metal, embroidery, buttons, slide fasteners, pins other than jewelry, badges, medallions, embroidered patches.

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
 <p>MOTOR HARLEY- DAVIDSON CYCLES SHERIFF 1</p>	2834100 4-20-2004	7-31-2002	Shirts, t-shirts, caps, hats, jackets
 <p>MOTOR HARLEY- DAVIDSON CYCLES SHERIFF 1</p>	2834099 4-20-2004	7-31-2002	Ornamental pins
 <p>MOTOR HARLEY- DAVIDSON CYCLES SHERIFF 1</p>	2834098 4-20-2004	7-31-2002	Mugs

Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
 <p>HARLEY DAVIDSON MOTOR CYCLES POLICE 1</p>	2230532 3-09-1999	1-01-1992	Motorcycling related magazines
 <p>MOTOR HARLEY- DAVIDSON CYCLES FIREFIGHTER</p>	2868756 8-03-2004	7-31-2002	Ornamental pins
 <p>MOTOR HARLEY- DAVIDSON CYCLES FIREFIGHTER</p>	2873756 8-17-2004	7-31-2002	Shirts, t-shirts, caps, hats, jackets, sweatshirts



Mark	Reg. No. Reg. Date	Date of First Use in Commerce	Goods
 MOTOR HARLEY- DAVIDSON CYCLES FIREFIGHTER	2868755 8-30-2004	7-31-2002	Belt buckles not of precious metal
	1688264 5-19-1992	08-00-1991	Clothing, namely, jackets, shirts, skirts, gloves, vests, chaps, mittens, scarves, boots, shoes, caps, hats, sweat pants, sweatshirts, T-shirts, sleepwear, ladies' halter tops, bandanas, raincoats, socks, suspenders, neckties, jeans, underwear, coats, sweaters, children's wear, namely, shirts, T-shirts, sweatshirts, and jackets.  Wallets, purses.  Wind flow direction sunglasses and protective motorcycle helmets.

U.S. Trademark Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Serial No. 78896325

Mark:



Deposition of Scott Beck

**Exhibit 4**

Registered Mar. 1, 1949

Registration No. 507,163

**PRINCIPAL REGISTER**

**Trade-Mark**

**Section 2 (f)**

Affidavit under Section 8 accepted.  
Affidavit under Section 15 received, May 3, 1954.

**UNITED STATES PATENT OFFICE**

Harley-Davidson Motor Company,  
Milwaukee, Wis.

Act of 1946

Application August 12, 1947, Serial No. 531,120

**HARLEY-DAVIDSON**

**(Statement)**

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for MOTORCYCLE SHIRTS, SWEATERS, BREECHES, NECKTIES, COVERALLS, RAIN COATS AND HATS, JACKETS, HELMETS, CAPS, AND BOOTS, in Class 39, Clothing, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied or affixed to the goods by printing, stencilling, painting, or otherwise representing the trade-mark directly on the goods, or to the packages containing the same, or by placing thereon a printed label on which the trade-mark is shown, and requests that the same be registered in the United States Patent Office on the Principal Register in according with section 2(f) of the act of July 5, 1946.

The trade-mark was first used on December 15, 1915, and first used in commerce among the several States which may lawfully be regulated by Congress on December 15, 1915.

**(Declaration)**

William H. Davidson, being duly sworn, deposes and says that he is president of Harley-Davidson Motor Company, the applicant named in the foregoing statement; that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States and with foreign nations, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, that the mark here sought to be registered has become distinctive and has been continuously and exclusively used by the applicant for greatly in excess of five years next preceding the filing of this application, and that the facts set forth in the statement are true.

**HARLEY-DAVIDSON MOTOR**

**COMPANY,**

By **WILLIAM H. DAVIDSON,**

*President.*

Opposition No. 9117715

H-D Michigan, Inc. v. Bryan Broehm

Opposer's Testimony Deposition

Exhibit No. 4

Beck  
6-13-68

net

Registered Apr. 5, 1949

Registration No. 508,160

## PRINCIPAL REGISTER

### Trade-Mark

#### Section 2 (f)

Affidavit under Section 8 accepted.

Affidavit under Section 15 received, May 3, 1954.

## UNITED STATES PATENT OFFICE

Harley-Davidson Motor Company,  
Milwaukee, Wis.

Act of 1946

Application August 12, 1947, Serial No. 531,113

## HARLEY-DAVIDSON

#### (Statement)

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for MOTORCYCLE GENERATORS AND SPARE PARTS FOR SAME, WIRING AND WIRING HARNESES FOR MOTORCYCLES, SWITCHES, SWITCH PANELS AND SPARE PARTS FOR SAME, ELECTRIC LAMPS AND SPARE PARTS FOR SAME, ELECTRIC LAMP MOUNTINGS AND SPARE PARTS FOR SAME, STORAGE BATTERIES AND SPARE PARTS FOR SAME, SPARK PLUGS, ELECTRIC SIGNS, in Class 21, Electrical apparatus, machines, and supplies, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods, to labels affixed to the goods, and/or containers for the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with sec. 2(f) of the act of July 5, 1946.

The trade-mark was first used on December 1, 1919, and first used in commerce among the several States which may lawfully be regulated by Congress on December 1, 1919.

#### (Declaration)

William H. Davidson, being duly sworn, deposes and says that he is president of Harley-Davidson Motor Company, the applicant named in the foregoing statement; that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States and with foreign nations, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, that the mark here sought to be registered has become distinctive and has been continuously and exclusively used by the applicant for greatly in excess of five years next preceding the filing of this application, and that the facts set forth in the statement are true.

HARLEY-DAVIDSON MOTOR

COMPANY,

By WILLIAM H. DAVIDSON,  
President.

Registered Nov. 29, 1949

Registration No. 518,062

**PRINCIPAL REGISTER**

**Trade-Mark**

**Section 2 (f)**

**UNITED STATES PATENT OFFICE**

**Harley-Davidson Motor Company,  
Milwaukee, Wis.**

**Act of 1946**

**Application August 12, 1947, Serial No. 531,121**

**HARLEY-DAVIDSON**

**(Statement)**

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for PARTS CATALOGS AND LISTS, ACCESSORY CATALOGS AND LISTS, AND INSTRUCTION BOOKS AND HANDBOOKS, in Class 38, Prints and publications, and presents herewith five specimens showing the trade-mark as actually used in connection with the goods, the trade-mark being applied to the goods or to labels affixed to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with section 2 (f) of the act of July 5, 1946.

The trade-mark was first used in 1907, and first used in commerce among the several States which may be lawfully regulated by Congress in 1907.

Applicant is the owner of Trade-Mark Registration No. 140,395, granted March 15, 1921, and renewed March 15, 1941.

**(Declaration)**

William H. Davidson, being duly sworn, de-

poses and says that he is president of Harley-Davidson Motor Company, the applicant named in the foregoing statement; that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States and with foreign nations, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, that the mark here sought to be registered has become distinctive and has been continuously and exclusively used by the applicant in commerce which may lawfully be regulated by Congress for the period of five years next preceding the filing of this application, and that the facts set forth in the statement are true.

**HARLEY-DAVIDSON MOTOR  
COMPANY,**

By **WILLIAM H. DAVIDSON,**  
*President.*

Registered Jan. 17, 1950

Registration No. 519,875

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Harley-Davidson Motor Company,  
Milwaukee, Wis.

Act of 1946

Application August 12, 1947, Serial No. 531,114

**HARLEY-DAVIDSON**

**(Statement)**

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for SYNTHETIC ENAMELS, VARNISH, AND LIQUID POLISH AND CLEANER FOR USE ON MOTORCYCLES AND OTHER ENAMELED SURFACES, in Class 16, Paints and painters' materials, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with section 2(f) of the act of July 5, 1946.

The trade-mark was first used on December 1, 1911, and first used in commerce among the several States which may be lawfully regulated by Congress on December 1, 1911.

Applicant is the owner of Registration No. 141,756, granted April 26, 1921, which registration covers the same mark herein sought to be registered.

**(Declaration)**

William H. Davidson, being duly sworn, deposes and says that he is president of Harley-David-

son Motor Company, the applicant named in the foregoing statement; that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States and with foreign nations, and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, that the mark here sought to be registered has become distinctive and has been continuously and exclusively used by the applicant in commerce which may lawfully be regulated by Congress for greatly in excess of five years next preceding the filing of this application, and that the facts set forth in the statement are true.

**HARLEY-DAVIDSON MOTOR  
COMPANY,**

By **WILLIAM H. DAVIDSON,**  
*President.*

Int. Cl.: 26

Prior U.S. Cl.: 28

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 522,500

Registered Mar. 21, 1950

Renewal Approved Nov. 29, 1989

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (DELA-  
WARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208, ASSIGNEE BY  
MESNE ASSIGNMENT, MERGER  
AND CHANGE OF NAME HARLEY-  
DAVIDSON MOTOR COMPANY (WIS-  
CONSIN CORPORATION) MILWAU-  
KEE, WI

SEC. 2(F).

FOR: PINS [, EMBLEMS, CAP  
BADGES, AND FINGER RINGS MADE  
IN WHOLE OF, OR PLATED IN WHOLE  
OR PART WITH, PRECIOUS METAL],  
IN CLASS 28 (INT. CL. 26).

FIRST USE 0-0-1923; IN COMMERCE  
0-0-1923.

SER. NO. 71-531,118, FILED 8-12-1947.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Jan. 9, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 4

Prior U.S. Cl.: 15

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 522,501  
Registered Mar. 21, 1950  
Renewal Approved Jan. 25, 1990

TRADEMARK  
PRINCIPAL REGISTER

**HARLEY -  
DAVIDSON**

HARLEY-DAVIDSON, INC. (DELA-  
WARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208, ASSIGNEE BY  
MESNE ASSIGNMENT, MERGER  
AND CHANGE OF NAME HARLEY-  
DAVIDSON MOTOR COMPANY (WIS-  
CONSIN CORPORATION) MILWAU-  
KEE, WI

FOR: LUBRICATING OILS AND  
GREASES, IN CLASS 15 (INT. CL. 4).

FIRST USE 12-1-1911; IN COMMERCE  
12-1-1911.

SER. NO. 71-531,119, FILED 8-12-1947.

OWNER OF U.S. REG. NO. 141,465.  
SEC. 2(F).

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Mar. 6, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS



Registered Mar. 21, 1950

Registration No. 522,501

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Harley-Davidson Motor Company,  
Milwaukee, Wis.

Act of 1946

Application August 12, 1947, Serial No. 531,119

**HARLEY -  
DAVIDSON**

**(Statement)**

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for LUBRICATING OILS AND GREASES, in Class 15, Oils and greases, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied or affixed to the containers for the goods by means of stencils, printing it directly thereon, and by means of printed labels, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with section 2(f) of the act of July 5, 1946.

Applicant is the owner of the mark disclosed in expired Registration No. 141,465, registered April 19, 1921, under the 1920 act.

The trade-mark was first used on December 1, 1911, and first used in commerce among the several States which may lawfully be regulated by Congress on December 1, 1911.

**(Declaration)**

William H. Davidson, being duly sworn, deposes and says that he is president of Harley-Davidson Motor Company, the applicant named in the foregoing statement, that he believes that said corporation is the owner of the trade-mark, which is in use in commerce among the several States, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof, or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, that the mark here sought to be registered has become distinctive and has been continuously and exclusively used by the applicant in commerce which may lawfully be regulated by Congress for the five years next preceding the date of the filing of this application, and that the facts set forth in the statement are true.

HARLEY-DAVIDSON

MOTOR COMPANY,

By WILLIAM H. DAVIDSON,

President.

Registered Mar. 27, 1951

Registration No. 539,805

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Harley-Davidson Motor Company, Milwaukee,  
Wis., now by change of name Harley-Davidson  
Motor Co., a corporation of Wisconsin

Act of 1946

Application August 12, 1947, Serial No. 531,115

**HARLEY-DAVIDSON**

**STATEMENT**

Harley-Davidson Motor Company, a corporation duly organized under the laws of the State of Wisconsin, located and doing business at 3700 West Juneau Avenue, Milwaukee, Wisconsin, has adopted and is using the trade-mark shown in the accompanying drawing, for KNIVES, AND SPECIAL SHOP TOOLS FOR MOTORCYCLE REPAIRS AND TESTS—NAMELY, PLIERS, SCREW DRIVERS, WRENCHES, REAMERS, TAPS, LAPS, ADAPTERS, ARBORS, MACHINISTS' CLAMPS, FILES, GRINDERS, FACERS, LAPPERS, PISTON SQUARING PLATES, CLUTCH LOCKING PLATES; PULLERS FOR WHEELS, HUBS, SPROCKETS, BEARINGS, TAPPET GUIDES, GEARS, BUSHINGS AND CLUTCHES; LIFTERS FOR VALVE SPRINGS; RIVETERS, BARS, MECHANICS' WEDGES, LEVERS, HAMMERS, VISES, VISE JAWS, MALLET, INTAKE PORT AIR TEST PLUGS, SPACERS, SETTERS, CUTTERS, MACHINE ASSEMBLY GUIDES, TRUING TOOLS, TOOL HOLDERS, SPRING COMPRESSORS, KEY TOOLS, STANDS, JIGS, DRILLS, BUSHING TOOLS, RING TOOLS, CHAIN TOOLS, ASSEMBLY TOOLS, DRAINING AND FLUSHING MACHINES, PARTS CLEANERS AND WASHERS, RING INSERTING TOOLS, OIL SEAL TOOLS, CARBURETOR CLEAN-UP TOOLS, AND VALVE TOOLS—in Class 23, Cutlery,

machinery, and tools, and parts thereof, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied or affixed to the goods by printing, stenciling, painting or otherwise representing the trade-mark directly on the goods, or to the packages containing the same, or by placing thereon a printed label on which the trade-mark is shown, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with section 2(f) of the act of July 5, 1946.

The trade-mark was first used on January 1, 1911, and first used in commerce among the several States which may lawfully be regulated by Congress on January 1, 1911.

Applicant is the owner of Registration No. 153,930, registered March 28, 1922, under the act of March 19, 1920.

The claim of distinctiveness is based upon the claim that applicant has had substantially exclusive and continuous use of the mark in commerce which may lawfully be regulated by Congress for greatly in excess of five years next preceding the filing of this application.

HARLEY-DAVIDSON MOTOR  
COMPANY,  
By WILLIAM H. DAVIDSON,  
President.

Int. Cls.: 7 and 8

Prior U.S. Cl.: 23

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 539,805

Registered Mar. 27, 1951

Renewal Term Begins Mar. 27, 1991

TRADEMARK  
PRINCIPAL REGISTER

HARLEY-DAVIDSON

HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208, BY ASSIGNMENT, CHANGE OF NAME, ASSIGNMENT AND MERGER WITH HARLEY-DAVIDSON MOTOR COMPANY (WISCONSIN CORPORATION) MILWAUKEE, WI

OWNER OF U.S. REG. NO. 153,930.  
SEC. 2(F).

FOR: KNIVES, (AND SPECIAL SHOP TOOLS FOR MOTORCYCLE REPAIRS AND TESTS—NAMELY, PLIERS,) SCREW DRIVERS, WRENCHES [, REAMERS, TAPS, LAPS, ADAPTERS, ARBORS, MACHINISTS' CLAMPS, FILES, GRINDERS, FACERS, LAPPERS, PISTON SQUARING PLATES, CLUTCH LOCKING PLATES, PULLERS FOR WHEELS, HUBS, SPROCKETS, BEAR-

INGS, TAPPET GUIDES, GEARS, BUSHINGS AND CLUTCHES; LIFTERS FOR VALVE SPRINGS; RIVETERS, BARS, MECHANICS' WEDGES, LEVERS, HAMMERS, VISES, VISE JAWS, MALLETs, INTAKE PORT AIR TEST PLUGS, SPACERS, SETTERS, CUTTERS, MACHINE ASSEMBLY GUIDES, TRUING TOOLS, TOOL HOLDERS, SPRING COMPRESSORS, KEY TOOLS, STANDS, JIGs, DRILLS, BUSHING TOOLS, RING TOOLS, CHAIN TOOLS, ASSEMBLY TOOLS, DRAINING AND FLUSHING MACHINES, PARTS CLEANERS AND WASHERS, RING INSERTING TOOLS, OIL SEAL TOOLS, CARBURETOR CLEAN-UP TOOLS, AND VALVE TOOLS], IN CLASS 23 (INT. CLS. 7 AND 8).

FIRST USE 1-1-1911; IN COMMERCE 1-1-1911.

SER. NO. 71-531,115, FILED 8-12-1947.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Nov. 19, 1991.*

COMMISSIONER OF PATENTS AND TRADEMARKS

# United States Patent Office

947,170

Registered Nov. 14, 1972

## PRINCIPAL REGISTER Trademark

Ser. No. 353,015, filed Mar. 4, 1970

### HARLEY-DAVIDSON

AMF Incorporated (New Jersey corporation)  
261 Madison Ave.  
New, York, N.Y. 10016, by change of name from  
American Machine & Foundry Company (New Jersey  
corporation)  
New York, N.Y.

For: MODEL KITS OF MOTORCYCLES, in CLASS  
22 (INT. CL. 28).  
First use June 15, 1969; in commerce June 15, 1969.  
Owners of Reg. Nos. 135,864, 526,751, and others.

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 947,170  
Registered Nov. 14, 1972  
Renewal Term Begins Nov. 14, 1992

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (WISCONSIN CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208. BY CHANGE OF NAME, ASSIGNMENT, MERGER, AND MERGER AND CHANGE OF NAME FROM AMF INCORPORATED (NEW JERSEY CORPORATION) NEW YORK, NY

OWNER OF U.S. REG. NOS. 135,864, 526,751 AND OTHERS.

FOR: MODEL KITS OF MOTORCYCLES, IN CLASS 22 (INT. CL. 28).

FIRST USE 6-15-1969; IN COMMERCE 6-15-1969.

SER. NO. 72-353,015, FILED 3-4-1970.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 20, 1992.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**Int. Cl.: 12**

**Prior U.S. Cl.: 19**

**United States Patent Office**

**Reg. No. 1,078,871**

**Registered Dec. 6, 1977**

**TRADEMARK**

**Principal Register**

**HARLEY-DAVIDSON**

AMF Incorporated (New Jersey corporation)  
777 Westchester Ave.  
White Plains, N.Y. 10604

For: VEHICLES—NAMELY, MOTORCYCLES  
AND GOLF CARS—in CLASS 12 (U.S. CL. 19).

First use on or about 1906; in commerce on or about  
1906.

Owner of Reg. Nos. 135,864 and 966,936.

Ser. No. 122,950, filed Apr. 15, 1977.

SIDNEY MOSKOWITZ, Examiner

**Int. Cl.: 16**

**Prior U.S. Cls.: 37 and 38**

**United States Patent and Trademark Office**

**Reg. No. 1,219,955**

**Registered Dec. 14, 1982**

**TRADEMARK**  
**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co. Inc. (Wisconsin  
corporation)  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53208

For: PARTS AND SERVICE MANUALS FOR  
MOTORCYCLES AND GOLF CARTS, PARTS  
CATALOGS FOR MOTORCYCLES AND GOLF  
CARTS, NEWSLETTERS AND MAGAZINES  
DEALING WITH MOTORCYCLES, CALEN-  
DARS, POSTERS, AND DECALS, in CLASS 16  
(U.S. Cls. 37 and 38).

First use 1907; in commerce 1907.

Owner of U.S. Reg. Nos. 522,500, 1,078,871 and  
others.

Ser. No. 345,501, filed Jan. 13, 1982.

DAVID C. REIHNER, Examining Attorney

**Int. Cl.: 14**

**Prior U.S. Cl.: 28**

**United States Patent and Trademark Office**

**Reg. No. 1,223,355**

**Registered Jan. 11, 1983**

**TRADEMARK**  
**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co. Inc. (Wisconsin  
corporation)  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53208

For: JEWELRY—NAMELY, NECKLACES,  
PINS, FINGER RINGS AND EARRINGS, in  
CLASS 14 (U.S. Cl. 28).

First use 1923; in commerce 1923.

Owner of U.S. Reg. Nos. 522,500, 1,078,871 and  
others.

Ser. No. 343,427, filed Dec. 28, 1981.

CONNIE M. JUDGE, Examining Attorney



**Int. Cls.: 1, 2, 3 and 4**

**Prior U.S. Cls.: 4, 6, 15, 16 and 52**

**United States Patent and Trademark Office**

**Reg. No. 1,230,734**

**Registered Mar. 15, 1983**

**TRADEMARK**  
**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co. Inc. (Wisconsin  
corporation)  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53208

For: MOTORCYCLE BRAKE FLUID AND  
ENGINE TREATMENT ADDITIVES, in CLASS  
1 (U.S. Cls. 6 and 15).

First use 1953; in commerce 1953.

For: PAINT, in CLASS 2 (U.S. Cl. 16).

First use Dec. 1, 1911; in commerce Dec. 1, 1911.

For: MOTORCYCLE CLEANERS AND POL-

ISH, in CLASS 3 (U.S. Cls. 4 and 52).

First use Dec. 1, 1911; in commerce Dec. 1, 1911.

For: LUBRICATING OIL AND GREASE, in

CLASS 4 (U.S. Cl. 15).

First use Dec. 1, 1911; in commerce Dec. 1, 1911.

Ser. No. 351,678, filed Feb. 24, 1982.

CONNIE M. JUDGE, Examining Attorney

**Int. Cls.: 9 and 25**

**Prior U.S. Cls.: 26 and 39**

**United States Patent and Trademark Office**

**Reg. No. 1,234,404**

**Registered Apr. 12, 1983**

**TRADEMARK**  
**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co., Inc. (Wisconsin corporation)  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53208

For: SUNGLASSES AND PROTECTIVE HELMETS FOR MOTORCYCLISTS, in CLASS 9 (U.S. Cl. 26).

First use Dec. 15, 1915; in commerce Dec. 15, 1915.

For: CLOTHING—NAMELY, JACKETS, PANTS, SHIRTS, T-SHIRTS, VESTS, JEANS, RIDING SUITS, BANDANNAS, RAIN SUITS, SHORTS, NIGHTGOWNS, HALTERS, UNDER-

WEAR, TANK TOPS, SWEATSHIRTS, NIGHT SHIRTS, SOCKS, GLOVES, HATS, CAPS AND BOOTS, in CLASS 25 (U.S. Cl. 39).

First use Dec. 15, 1915; in commerce Dec. 15, 1915.

Owner of U.S. Reg. Nos. 507,163, 1,078,871 and others.

Ser. No. 345,526, filed Jan. 13, 1982.

CONNIE M. JUDGE, Examining Attorney

**Int. Cls.: 6, 7, 9, 11, 12 and 17**

**Prior U.S. Cls.: 13, 19, 21, 23, 26 and 35**

**United States Patent and Trademark Office**

**Reg. No. 1,255,091**

**Registered Oct. 25, 1983**

**TRADEMARK**

**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co., Inc. (Wisconsin corporation)  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53208

For: MOTORCYCLE PARTS, MADE OF METAL—NAMESLY, CRANKCASE DOWEL PINS, OIL PUMP DOWEL PINS, COTTER PINS, CLEVIS PINS, HOSE CLAMPS, CLUTCH CABLE CLAMPS, CHAIN AND SPROCKET CLAMPS, BRAKE LINE CLAMPS, MASTER CYLINDER CLAMPS, HANDLE BAR CLAMPS, LICENSE PLATE BRACKET CLAMPS, CHAIN HOUSING CLAMPS, FUEL TANK CLAMPS, OIL TANK AND COOLER CLAMPS, EXHAUST SYSTEM CLAMPS, CABLE COUPLINGS, METALLIC NUTS, BOLTS, SCREWS, BRACKETS, STUDS, SPACERS, WASHERS FOR MOTORCYCLE PARTS, BUSHINGS, O-RINGS, AND BRAKE HOSE SEATS, AND SPRING CLIPS, in CLASS 6 (U.S. Cl. 13).

First use 1939; in commerce 1939.

For: MOTORCYCLE ELECTRICAL PARTS—NAMESLY, SPARK PLUGS; IGNITION WIRES; BREAKER POINTS; CONDENSERS; MOTORCYCLE ENGINE IGNITION KITS COMPRISING SPARK PLUGS, BREAKER POINTS, CONDENSER, ROTAR AND GASKET; SPARK GENERATORS; COILS; IGNITION SWITCHES; MOTORCYCLE PARTS—NAMESLY, PISTON PINS, PISTON RINGS, CARBURETOR FLOAT PINS, CARBURETOR JET PLUGS AND CARBURETOR ADJUSTING SCREWS, in CLASS 7 (U.S. Cls. 19, 21 and 23).

First use Dec. 1, 1919; in commerce Dec. 1, 1919.

For: MOTORCYCLE ENGINE GAUGES, SPEEDOMETERS, THERMOMETERS, THER-

MOSTATS, RADIOS, MOTORCYCLE ELECTRICAL PARTS—NAMESLY, BATTERIES, ELECTRICAL WIRES AND WIRING HARNESSES, BATTERY CHARGERS, ELECTRICAL WIRE TERMINALS, BATTERY AND GROUNDING CABLES, LENSES, MAGNETS, ARMATURES, CIRCUIT BREAKERS, SWITCHES, TURN SIGNALS AND INDICATORS, CONNECTORS, VOLTAGE REGULATORS, IGNITION SYSTEM PIN PLUGS, SOCKET TERMINAL PINS, SINGLE SOCKET PINS, IGNITION SYSTEM CLAMPS, AND GROUNDING STRAPS; MOTORCYCLE PARTS—NAMESLY, REFLECTORS AND INSTRUMENT PANELS BRAKE CONTROL STOP-LIGHT SWITCHES THERETO, in CLASS 9 (U.S. Cls. 21 and 26).

First use Dec. 1, 1919; in commerce Dec. 1, 1919.

For: MOTORCYCLE ELECTRICAL PARTS—NAMESLY, LAMPS AND LIGHTS, in CLASS 11 (U.S. Cl. 21).

First use Dec. 1, 1919; in commerce Dec. 1, 1919.

For: MOTORCYCLE PARTS—NAMESLY, STARTER MOTOR BRUSHES, STARTER MOTORS, HORNS AND STARTERS, CYLINDERS, CYLINDER HEADS, VALVES, ROCKER ARMS, FLYWHEEL SHAFTS, SPROCKET SHAFTS, GEAR SHAFTS, DRIVE SHAFTS, ROCKER ARM COVERS, TRANSMISSION SHAFTS, PUSH ROD COVERS, CRANKCASE GEAR COVERS, CRANKCASE COVERS, OIL PUMP COVERS, AIR CLEANER COVERS, COIL COVERS, IGNITION SYSTEM COVERS, STARTER MOTOR COVERS, CABLE COVERS, TRANSMISSION COVERS, MASTER CYLINDER COVERS, FRONT FORK COVERS, REAR FORK COVERS, SIDE FRAME COVERS, SHOCK ABSORBER

COVERS, SHOCK ABSORBER STUD COVERS, CLUTCH COVERS, CHAIN HOUSING COVERS, ENGINE INSTRUMENT COVERS, SOLENOID SWITCH COVERS, VALVE COLLARS, VALVE KEYS, TAPPET ROLLER KEYS, CRANK PIN ROLLERS, LOCK RINGS, BEARINGS, BEARING ROLLERS AND BEARING RETAINERS USED IN STARTERS, TRANSMISSIONS, CLUTCHES, WHEELS, FORKS AND CHAIN HOUSINGS, FLYWHEELS, FLYWHEEL LOCK PLATES, SPROCKETS, GEAR SHAFT LOCK PLATES, STARTER HOUSING PINS, CRANK-CASE BEARINGS, BEARING ROLLERS AND BEARING RETAINERS, CRANK CASE PLUGS, OIL PLUGS, OIL PUMP PLUGS, ENGINE BEARING SHIMS, CAMS, CAM FOLLOWERS, ENGINE ADJUSTING SCREWS, SHIFTER ADJUSTING SCREWS, STARTER LEVERS, PIVOT PINS, GEAR SHIFTER ROLL PINS, CLUTCH CONTROL PIVOT PINS AND CABLE ANCHOR PINS, AND PUSH ROD PINS, BRAKE CONTROL LEVER PIVOT PINS, BRAKE CALIPER GUIDE PINS, FRAME AND FORK PINS, CHAIN HOUSING PINS, STARTER PINS AND ROLL PINS, CRANK PINS, SHIFT LEVER PIVOT PIN PLUGS, SHIFTER FORK PLUGS, TRANSMISSION PLUGS, HANDLE BAR AND THROTTLE CONTROL PLUGS, HEADLAMP BRACKET PLUGS, CHAIN COVER PLUGS, OIL TANK AND COOLER PLUGS, ENGINE INSTRUMENT PLUGS, BRAKE MOUNTING PLATES, SISSY BAR MOUNTING PLATES, FOOT REST MOUNTING PLATES, ROCKER ARM ASSEMBLY CAPS, FORK CAPS, AXLE CAPS, FRAME AND FORK END CAPS, OIL FILLER CAPS, GAS FILLER CAPS, TRANSMISSION GEARS, MOTORCYCLE ENGINE DRIVE GEARS, STARTER GEARS, EXHAUST PIPES, OIL SEPARATOR DEFLECTORS, OIL PUMPS, WHEEL WEIGHTS, SHIFT LEVERS, CARBURETOR HOUSINGS, STARTER SHAFT HOUSINGS, TRANSMISSION HOUSINGS, HEADLAMP HOUSINGS, CHAIN HOUSINGS, HANDLE BAR

SWITCH HOUSINGS, SHIFTER COLLARS, SHIFTER FORKS, PAWLS FOR GEAR SHIFTERS, CLUTCH HUBS, SPROCKETS, CLUTCH RELEASING DISCS, CLUTCH DRIVE PLATES, ADJUSTING SCREWS FOR CABLES, CLUTCH CABLE STRAPS, OIL LINE SLEEVES, WHEEL BEARING SLEEVES, STARTER GEAR SHIFT LEVERS, TRANSMISSION SHIFT LEVERS, SHIFTER SHAFT LEVERS, SHIFTER LEVERS, CHOKE LEVERS, DRIVE CHAINS, CHAIN LINKS, WHEELS, AXLES, BRAKE DISCS, BRAKE PADS, BRAKE CALIPERS, CLEVISSES, BRAKE MASTER CYLINDERS, HYDRAULIC FLUID LINE CONNECTORS—NAMELY, TEES, BRAKE PEDALS, AXLE CAPS, FORK STEMS, FORKS, FOOT RESTS, FRAMES, STANDS, BUMPERS, SEATS, SHOCK ABSORBERS, HANDLE BARS, HANDLE BAR GRIPS, CLUTCH CABLES, THROTTLE CABLES, WINDSHIELDS, FAIRINGS, MIRRORS, FENDERS, CHAIN GUARDS, GAS TANKS, OIL, AIR AND FUEL FILTERS, SEAT GRAB STRAPS, CABLE STRAPS, HOSE STRAPS, MUFFLERS, EXHAUST PIPES, MUD FLAPS, HIGHWAY PEGS, LUGGAGE CARRIERS, AIR SCOPPS, AIR CLEANERS, BODY TRIM, WIND DEFLECTORS, OIL COOLERS, BACKRESTS, LUGGAGE ATTACHMENT CORDS AND MOTORCYCLES in CLASS 12 (U.S. Cl. 19).

First use 1911; in commerce 1911.

For: NON-METAL HARDWARE—NAMELY, GASKETS, NUTS, BOLTS, SCREWS, BUSHINGS, O-RINGS, SEALS, AND BRAKE BOOTS; AND MOTORCYCLE ELECTRICAL PARTS—NAMELY, INSULATORS, in CLASS 17 (U.S. Cl. 35).

First use 1939; in commerce 1939.

Owner of U.S. Reg. Nos. 508,160, 526,750 and others.

Ser. No. 345,528, filed Jan. 13, 1982.

CONNIE M. JUDGE, Examining Attorney

**Int. Cls.: 37 and 42**

**Prior U.S. Cls.: 101 and 103**

**United States Patent and Trademark Office**

**Reg. No. 1,311,457**

**Registered Dec. 25, 1984**

**SERVICE MARK**

**Principal Register**

**HARLEY-DAVIDSON**

Harley-Davidson Motor Co., Inc. (Wisconsin  
corporation)  
P.O. Box 653  
3700 W. Juneau Ave.  
Milwaukee, Wis. 53201

Cl. 101).

First use 1905; in commerce 1905.

Owner of U.S. Reg. Nos. 135,864, 1,255,091 and  
others.

For: REPAIR AND SERVICING OF MOTOR-  
CYCLES, in CLASS 37 (U.S. Cl. 103).

First use 1905; in commerce 1905.

For: RETAIL STORE SERVICES IN THE  
FIELD OF MOTORCYCLES, in CLASS 42 (U.S.

Ser. No. 456,443, filed Dec. 9, 1983.

MARY E. HANNON, Examining Attorney

Int. Cls.: 6, 8, 14, 16, 18, 20, 21, 24, 25, 28 and 34

Prior U.S. Cls.: 2, 3, 8, 13, 14, 22, 23, 27, 28, 32,  
38, 39, 42 and 50

**United States Patent and Trademark Office**

Reg. No. 1,450,348  
Registered Aug. 4, 1987

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU  
MILWAUKEE, WI 53208

FOR: METAL ARTICLES, NAMELY, KEY FOBS, KEY CHAINS AND RINGS, SHOE HEEL NAILS AND LICENSE PLATE HOLDERS, IN CLASS 6 (U.S. CLS. 13 AND 14).

FIRST USE 1-0-1982; IN COMMERCE 1-0-1982.

FOR: KNIFE SHEATHS, IN CLASS 8 (U.S. CL. 23).

FIRST USE 0-0-1984; IN COMMERCE 0-0-1984.

FOR: NECKLACES, EARRINGS, PINS OF NON-PRECIOUS METALS, CLOCKS AND WATCHES, IN CLASS 14 (U.S. CLS. 27 AND 28).

FIRST USE 0-0-1933; IN COMMERCE 0-0-1933.

FOR: CHILDREN'S BOOKS, BUMPER STICKERS, REMOVABLE TATOOS, PRESSURE SENSITIVE DECALS, CHECKBOOK COVERS, AND PLAYING CARDS, IN CLASS 16 (U.S. CL. 38).

FIRST USE 10-0-1975; IN COMMERCE 10-0-1975.

FOR: LEATHER GOODS, NAMELY, PURSES, WALLETS, DUFFLE BAGS, MOTORCYCLE SADDLE BAGS, KEY FOBS, AND KEY HOLDERS, IN CLASS 18 (U.S. CL. 3).

FIRST USE 10-0-1976; IN COMMERCE 10-0-1976.

FOR: DIRECTOR'S CHAIRS, MIRRORS AND NOVELTY BUTTON BADGES, IN CLASS 20 (U.S. CLS. 32 AND 50).

FIRST USE 10-0-1978; IN COMMERCE 10-0-1978.

FOR: TRAVEL COOLERS, PITCHERS, MUGS, DRINKING GLASSES, PICTURES PRINTED ON PLATE GLASS, COASTERS, DE-

CANTERS, CUPS, PLASTIC MUGS, AND COOKIE JARS, IN CLASS 21 (U.S. CL. 2).

FIRST USE 10-0-1975; IN COMMERCE 10-0-1975.

FOR: TEXTILE WALL HANGINGS, TOWELS, BED SPREADS, SHEETS, PILLOW CASES, PILLOW SHAMS, DRAPERIES, AND CURTAINS, IN CLASS 24 (U.S. CL. 42).

FIRST USE 1-0-1986; IN COMMERCE 1-0-1986.

FOR: SWEAT PANTS, SWEATERS, SUSPENDERS, SCARVES, BANDANAS, LEATHER CLOTHING, NAMELY, JACKETS, VESTS, GLOVES, JEANS, CHAPS, TOPS, BOOTS, SHORTS, CAPS, BELTS, WRISTBANDS, AND PARTS OF FOOTWEAR, NAMELY BOOT TIPS, SOLE PLATES, HEEL SHIFTER SPURS, AND HEEL GUARDS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 8-0-1947; IN COMMERCE 8-0-1947.

FOR: STUFFED TOY ANIMALS, TOY BANKS, MODEL KITS, ROCKING HORSES AND DARTBOARDS, IN CLASS 28 (U.S. CL. 22).

FIRST USE 6-16-1969; IN COMMERCE 6-16-1969.

FOR: CIGARETTE CASES, LIGHTER CASES, CIGARETTE LIGHTERS, SNUFF CAN HOLDERS, AND ASH TRAYS, IN CLASS 34 (U.S. CL. 8).

FIRST USE 0-0-1933; IN COMMERCE 0-0-1933.

OWNER OF U.S. REG. NOS. 1,223,355, 1,255,091 AND OTHERS.

SER. NO. 623,412, FILED 10-1-1986.

ROBERT G. RATHBUN, EXAMINING ATTORNEY

**Int. Cl.: 36**

**Prior U.S. Cl.: 102**

**United States Patent and Trademark Office**

**Reg. No. 1,471,644**

**Registered Jan. 5, 1988**

**SERVICE MARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE COR-  
PORATION)  
P.O. BOX 653  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53201**

**FIRST USE 8-0-1986; IN COMMERCE  
8-0-1986.**

**OWNER OF U.S. REG. NOS. 1,078,871, 1,255,091  
AND OTHERS.**

**FOR: EXTENSION OF CONSUMER CREDIT  
VIA CREDIT CARDS, IN CLASS 36 (U.S. CL.  
102).**

**SER. NO. 634,516, FILED 12-9-1986.**

**H. M. FISHER, EXAMINING ATTORNEY**

**Int. Cls.: 9 and 12**

**Prior U.S. Cls.: 19, 21, 26 and 36**

**United States Patent and Trademark Office**

**Reg. No. 1,510,786**

**Registered Nov. 1, 1988**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU  
MILWAUKEE, WI 53208**

**FOR: TELEVISION RECEIVERS, VIDEO CASSETTE RECORDERS AND PLAYERS, AUDIO SYSTEMS COMPRISED IN WHOLE OR IN PART OF SPEAKERS, TURNTABLES, CASSETTE TAPE RECORDERS AND PLAYERS, RADIO RECEIVERS AND CONTROLS, IN CLASS 9 (U.S. CLS. 21, 26 AND 36).**

**FIRST USE 5-0-1987; IN COMMERCE 5-0-1987.**

**FOR: PASSENGER VANS, IN CLASS 12 (U.S. CL. 19).**

**FIRST USE 11-4-1987; IN COMMERCE 11-4-1987.**

**OWNER OF U.S. REG. NOS. 1,078,871, 1,255,091 AND OTHERS.**

**SER. NO. 713,544, FILED 2-26-1988.**

**IRENE D. WILLIAMS, EXAMINING ATTORNEY**



**Int. Cl.: 3**

**Prior U.S. Cl.: 51**

**United States Patent and Trademark Office**

**Reg. No. 1,578,497**

**Registered Jan. 23, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE COR-  
PORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**OWNER OF U.S. REG. NOS. 1,393,498, 1,450,348  
AND OTHERS.**

**SER. NO. 73-757,110, FILED 10-6-1988.**

**FOR: COLOGNE, IN CLASS 3 (U.S. CL. 51).  
FIRST USE 8-10-1988; IN COMMERCE  
8-10-1988.**

**MICHELLE S. WISEMAN, EXAMINING AT-  
TORNEY**

**Int. Cl.: 28**

**Prior U.S. Cl.: 22**

**United States Patent and Trademark Office**

**Reg. No. 1,590,042**

**Registered Apr. 3, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE COR-  
PORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FOR: GAMES, TOYS, AND PLAYTHINGS,  
NAMELY MODEL TRUCKS, TOY BANKS, MO-  
TORCYCLE REPLICAS, STUFFED ANIMALS**

**AND MODEL TRAINS, IN CLASS 28 (U.S. CL.  
22).**

**FIRST USE 1-0-1983; IN COMMERCE  
1-0-1983.**

**OWNER OF U.S. REG. NO. 1,450,348.**

**SER. NO. 73-809,576, FILED 6-28-1989.**

**AMY C. BIXLER, EXAMINING ATTORNEY**

**Int. Cls.: 7, 9 and 12**

**Prior U.S. Cls.: 19, 21, 23, 26 and 35**

**United States Patent and Trademark Office**

**Reg. No. 1,594,879**

**Registered May 8, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU  
MILWAUKEE, WI 53208**

**FOR: MOTORCYCLE PARTS, NAMELY IGNITION SENSORS, IGNITION MODULES, CARBURETORS AND PARTS THEREFOR, IN CLASS 7 (U.S. CLS. 19 AND 21).**

**FIRST USE 1-13-1982; IN COMMERCE 1-13-1982.**

**FOR: MOTORCYCLE PARTS, NAMELY OIL TANK GAGES AND CRUISE CONTROL COMPONENTS, NAMELY SERVO CONTROLS, CRUISE CONTROL SWITCHES, CRUISE CONTROL MODULES, CABLE ASSEMBLIES, CONTROL LEVERS, AND PARTS THEREFOR, IN CLASS 9 (U.S. CLS. 19 AND 26).**

**FIRST USE 1-13-1982; IN COMMERCE 1-13-1982.**

**FOR: MOTORCYCLE PARTS, NAMELY REAR FORKS, BELTS, SPROCKETS, CONNECTING RODS, TRANSMISSION CASES, ENGINE ASSEMBLIES, OIL PUMP ASSEMBLIES, DRIVE BELTS, CAM GEARS, TURN SIGNALS, CRANK CASES, TRANSMISSION ASSEMBLIES, TRANSMISSION COVERS AND GEARS, PIVOT SHAFTS, FOOTBOARDS, GAS TANK MEDALLIONS AND FAIRINGS, IN CLASS 12 (U.S. CLS. 19, 23 AND 35).**

**FIRST USE 1-13-1982; IN COMMERCE 1-13-1982.**

**OWNER OF U.S. REG. NOS. 1,078,871, 1,255,091 AND OTHERS.**

**SER. NO. 73-785,797, FILED 3-10-1989.**

**ELLEN A. RUBEL, EXAMINING ATTORNEY**

**Int. Cl.: 26**

**Prior U.S. Cl.: 40**

**United States Patent and Trademark Office**

**Reg. No. 1,602,474**  
**Registered June 19, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FIRST USE 0-0-1981; IN COMMERCE  
0-0-1981.**

**OWNER OF U.S. REG. NO. 1,450,348.**

**SER. NO. 73-839,893, FILED 11-15-1989.**

**FOR: BELT BUCKLES, IN CLASS 26 (U.S. CL. 40).**

**CHRIS A. F. PEDERSEN, EXAMINING ATTORNEY**

**Int. Cl.: 16**

**Prior U.S. Cls.: 22 and 38**

**United States Patent and Trademark Office** **Reg. No. 1,603,741**  
**Registered June 26, 1990**

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**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FOR: BOOKS, MANUALS, AND CATALOGS  
DEALING WITH MOTORCYCLES, MOTORCY-  
CLE PARTS, AND ACCESSORIES; PLAYING  
CARDS AND POSTERS, IN CLASS 16 (U.S. CLS.  
22 AND 38).**

**FIRST USE 0-0-1975; IN COMMERCE  
0-0-1975.**

**OWNER OF U.S. REG. NOS. 1,219,955, 1,450,348  
AND OTHERS.**

**SER. NO. 73-839,791, FILED 11-15-1989.**

**DAVID C. REIHNER, EXAMINING ATTOR-  
NEY**

**Int. Cl.: 9**

**Prior U.S. Cls.: 26 and 39**

**United States Patent and Trademark Office**

**Reg. No. 1,606,282**

**Registered July 17, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE COR-  
PORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FIRST USE 0-0-1981; IN COMMERCE  
0-0-1981.**

**OWNER OF U.S. REG. NO. 1,263,936.**

**FOR: SAFETY GOGGLES, PROTECTIVE  
HELMETS AND SUNGLASSES, IN CLASS 9  
(U.S. CLS. 26 AND 39).**

**SER. NO. 73-839,374, FILED 11-15-1989.**

**RUSS HERMAN, EXAMINING ATTORNEY**

Int. Cl.: 6

Prior U.S. Cls.: 13 and 25

**United States Patent and Trademark Office** **Reg. No. 1,610,377**  
Registered Aug. 21, 1990

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208

FOR: ~~DOOR-KNOCKERS~~, LOCKS, AND KEY-  
FOBS, IN CLASS 6 (U.S. CLS. 13 AND 25).

FIRST USE 0-0-1981; IN COMMERCE  
0-0-1981.  
OWNER OF U.S. REG. NO. 1,450,348 AND  
OTHERS.

SER. NO. 73-839,896, FILED 11-15-1989.

R. G. COLE, EXAMINING ATTORNEY

**Int. Cl.: 8**

**Prior U.S. Cl.: 23**

**United States Patent and Trademark Office**

**Reg. No. 1,610,396**

**Registered Aug. 21, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208

FOR: PEWTER SPOONS, SPORT AND FOLDING KNIVES AND KNIFE CASES, IN CLASS 8 (U.S. CL. 23).

FIRST USE 0-0-1981; IN COMMERCE 0-0-1981.  
OWNER OF U.S. REG. NOS. 539,805 AND 1,450,348.

SER. NO. 73-839,389, FILED 11-15-1989.

R. G. COLE, EXAMINING ATTORNEY



**Int. Cl.: 28**

**Prior U.S. Cl.: 22**

**United States Patent and Trademark Office**

**Reg. No. 1,621,383**

**Registered Nov. 6, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FOR: MODEL TOY MOTORCYCLES, MINIA-  
TURE MOTORCYCLE REPLICAS, MODEL  
TOY TRUCKS, ELECTRONICALLY OPERAT-  
ED TOY MOTORCYCLES AND SNOW SLEDS,  
IN CLASS 28 (U.S. CL. 22).**

**FIRST USE 0-0-1986; IN COMMERCE  
0-0-1986.**

**OWNER OF U.S. REG. NOS. 947,170, 1,450,348  
AND OTHERS.**

**SER. NO. 73-839,902, FILED 11-15-1989.**

**ROBERT C. CLARK JR., EXAMINING ATTOR-  
NEY**

**Int. Cl.: 28**

**Prior U.S. Cls.: 2 and 22**

**United States Patent and Trademark Office** **Reg. No. 1,708,418**  
**Registered Aug. 18, 1992**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (WISCONSIN COR-  
PORATION)  
3700 W. JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FOR: POOL AND BILLIARD CUES AND  
CASES THEREFOR, IN CLASS 28 (U.S. CLS. 2  
AND 22).**

**FIRST USE 11-15-1989; IN COMMERCE  
11-15-1989.  
OWNER OF U.S. REG. NOS. 947,170, 1,590,042  
AND OTHERS.**

**SER. NO. 74-216,807, FILED 10-29-1991.**

**COLLEEN SCHALLOCK, EXAMINING AT-  
TORNEY**

Int. Cls.: 41 and 42

Prior U.S. Cls.: 100 and 107

United States Patent and Trademark Office

Corrected

Reg. No. 1,716,993

Registered Sep. 15, 1992

OG Date Aug. 24, 1993

**SERVICE MARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

HARLEY-DAVIDSON, INC. (WISCONSIN  
CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208, BY MERGER  
AND CHANGE OF NAME FROM  
HARLEY-DAVIDSON, INC. (DELA-  
WARE CORPORATION) MILWAU-  
KEE, WI

OWNER OF U.S. REG. NOS. 1,311,457,  
1,311,460 AND OTHERS.

FOR: ENTERTAINMENT SERVICES  
IN THE NATURE OF MOTORCYCLE  
RALLIES, IN CLASS 41 (U.S. CL. 107).  
FIRST USE 1-0-1984; IN COMMERCE  
1-0-1984.

FOR: RESTAURANT AND BAR SERV-  
ICES, IN CLASS 42 (U.S. CL. 100).  
FIRST USE 7-0-1990; IN COMMERCE  
7-0-1990.

SER. NO. 74-012,496, FILED 12-19-1989.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Aug. 24, 1993.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**Int. Cls.: 41 and 42**

**Prior U.S. Cls.: 100 and 107**

**United States Patent and Trademark Office**

**Reg. No. 1,716,993**

**Registered Sep. 15, 1992**

**SERVICE MARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**HARLEY-DAVIDSON, INC. (DELAWARE CORPORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**FOR: ENTERTAINMENT SERVICES IN THE  
NATURE OF MOTORCYCLE RALLIES, IN  
CLASS 41 (U.S. CL. 107).**

**FIRST USE 1-0-1984; IN COMMERCE  
1-0-1984.**

**FOR: RESTAURANT AND BAR SERVICES,  
IN CLASS 42 (U.S. CL. 100).**

**FIRST USE 7-0-1990; IN COMMERCE  
7-0-1990.**

**OWNER OF U.S. REG. NOS. 1,311,457,  
1,311,460, AND OTHERS.**

**SN 74-012,496, FILED 12-19-1989.**

**ROBERT C. CLARK JR., EXAMINING ATTOR-  
NEY**

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

**United States Patent and Trademark Office**

**Reg. No. 2,281,489**

**Registered Sep. 28, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

H-D MICHIGAN, INC. (MICHIGAN CORPORATION)  
315 W. HURON ST., SUITE 400  
ANN ARBOR, MI 48103

FIRST USE 0-0-1981; IN COMMERCE  
0-0-1981.

SER. NO. 75-536,763, FILED 8-14-1998.

FOR: NECKLACES, BRACELETS, TIE  
TACKS AND WATCH BANDS, IN CLASS 14  
(U.S. CLS. 2, 27, 28 AND 50).

ROBERT C. CLARK JR., EXAMINING ATTOR-  
NEY

**Int. Cl.: 39**

**Prior U.S. Cls.: 100 and 105**

**United States Patent and Trademark Office**

**Reg. No. 2,496,088**

**Registered Oct. 9, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**H-D MICHIGAN, INC. (MICHIGAN CORPORATION)  
315 W. HURON ST., SUITE 400  
ANN ARBOR, MI 48103**

**FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.**

**SER. NO. 76-111,578, FILED 8-14-2000.**

**FOR: ARRANGING TRAVEL TOURS AND RENTAL OF MOTORCYCLES, IN CLASS 39 (U.S. CLS. 100 AND 105).**

**JENNIFER CHICOSKI, EXAMINING ATTORNEY**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**United States Patent and Trademark Office**

**Reg. No. 2,921,245**

**Registered Jan. 25, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY-DAVIDSON**

**H-D MICHIGAN, INC. (MICHIGAN CORPORATION)  
315 W. HURON, SUITE 400  
ANN ARBOR, MI 48103**

**FIRST USE 0-0-1995; IN COMMERCE 0-0-1995.**

**OWNER OF U.S. REG. NO. 2,018,401.**

**FOR: TELEPHONES, CELLULAR TELEPHONES  
AND CELLULAR TELEPHONE COVERS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**SN 76-495,469, FILED 3-3-2003.**

**AMY HELLA, EXAMINING ATTORNEY**

U.S. Trademark Opposition No. 91177156  
H-D Michigan, Inc. v. Bryan Broehm  
Serial No. 78896325

Mark: The logo is a small, dark, rectangular emblem. It contains the word "JESUS" at the top, "MY DISCIPLE" in the middle, and "CHRIST" at the bottom, all in a stylized, possibly gothic or similar, font.

Deposition of Scott Beck

**Exhibit 5**



Int. Cl.: 12

Prior U.S. Cl.: 19

**United States Patent and Trademark Office**

Reg. No. 1,352,679

Registered Aug. 6, 1985

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

HARLEY-DAVIDSON MOTOR CO., INC. (WIS-  
CONSIN CORPORATION)  
3700 W. JUNEAU AVE.  
MILWAUKEE, WI 53208

FOR: MOTORCYCLES, IN CLASS 12 (U.S. CL.  
19).

FIRST USE 3-28-1982; IN COMMERCE  
3-28-1982.

OWNER OF U.S. REG. NOS. 135,864, 1,219,955  
AND OTHERS.

SER. NO. 373,047, FILED 7-6-1982.

DONALD B. AIKEN, EXAMINING ATTORNEY

Opposition No. 91177156 *Beck*  
H-D Michigan, Inc. v. Bryan Broehm  
Opposer's Testimony Deposition  
Exhibit No. 5 *6-13-08 WEF*

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,406,876

Registered Aug. 26, 1986

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

HARLEY-DAVIDSON MOTOR CO., INC. (WIS-  
CONSIN CORPORATION)  
P.O. BOX 653  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53201

FOR: CLOTHING; NAMELY-KNIT HATS,  
CAPS, LEG WARMERS AND SCARVES; TEE  
SHIRTS FOR MEN, WOMEN AND CHILDREN;  
KNIT TOPS FOR WOMEN AND GIRLS; AND

CHILDREN'S SHIRTS, IN CLASS 25 (U.S. CL.  
39).

FIRST USE 12-0-1981; IN COMMERCE  
12-0-1981.

OWNER OF U.S. REG. NOS. 1,352,679 AND  
1,365,211.

SEC. 2(F).

SER. NO. 582,174, FILED 2-10-1986.

ERIC WACHSPRESS, EXAMINING ATTORNEY

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office**

**Reg. No. 1,683,455**

**Registered Apr. 14, 1992**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

**HARLEY-DAVIDSON, INC. (DELAWARE COR-  
PORATION)  
3700 WEST JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**OWNER OF U.S. REG. NO. 1,406,876 AND  
OTHERS.**

**SN 74-012,719, FILED 12-19-1989.**

**FOR: SHIRTS, TANK TOPS, BOOTS, AND  
SWEATSHIRTS, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 12-0-1989; IN COMMERCE  
12-0-1989.**

**ROBERT C. CLARK JR., EXAMINING ATTOR-  
NEY**

**Int. Cl.: 26**

**Prior U.S. Cl.: 40**

**United States Patent and Trademark Office**

**Reg. No. 1,708,362**

**Registered Aug. 18, 1992**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

**HARLEY-DAVIDSON, INC. (WISCONSIN COR-  
PORATION)  
3700 W. JUNEAU AVENUE  
MILWAUKEE, WI 53208**

**OWNER OF U.S. REG. NO. 1,406,876 AND  
OTHERS.**

**SER. NO. 74-217,056, FILED 10-28-1991.**

**FOR: EMBROIDERED PATCHES FOR  
CLOTHING, IN CLASS 26 (U.S. CL. 40).  
FIRST USE 0-0-1989; IN COMMERCE  
0-0-1989.**

**COLLEEN SCHALLOCK, EXAMINING AT-  
TORNEY**

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**Reg. No. 2,118,687**

**United States Patent and Trademark Office**

**Registered Dec. 9, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

**H-D MICHIGAN, INC. (MICHIGAN CORPORATION)  
315 W. HURON ST., SUITE 400  
ANN ARBOR, MI 48103**

**OWNER OF U.S. REG. NOS. 1,352,679, 1,708,362  
AND OTHERS.**

**SER. NO. 74-655,572, FILED 4-3-1995.**

**FOR: SANDWICHES AND HOT SAUCE, IN  
CLASS 30 (U.S. CL. 46).  
FIRST USE 10-0-1993; IN COMMERCE  
10-0-1993.**

**CHRIS A. F. PEDERSEN, EXAMINING ATTORNEY**

**Int. Cl.: 29**

**Prior U.S. Cl.: 46**

**Reg. No. 2,120,748**

**United States Patent and Trademark Office**

**Registered Dec. 16, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**HARLEY**

**H-D MICHIGAN, INC. (MICHIGAN CORPORATION)  
315 W. HURON ST., SUITE 400  
ANN ARBOR, MI 48103**

**OWNER OF U.S. REG. NOS. 1,352,679, 1,708,362  
AND OTHERS.**

**SER. NO. 74-680,953, FILED 5-30-1995.**

**FOR: ROASTED CHICKEN AND CHILI, IN  
CLASS 29 (U.S. CL. 46).**

**FIRST USE 10-0-1993; IN COMMERCE  
10-0-1993.**

**CHRIS A. F. PEDERSEN, EXAMINING ATTORNEY**